PAPERS

RELATIVE TO THE

PROVINCE OF *QUEBEC.*

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N° 1.

COPY of the Articles of Capitulation of Quebec, 18th September, 1759.

La Capitulation demandée d'autre Part a été accordée par ſon Excellence Général Townſhend, Brigadier des Armées de Sa Majeſté Britannique en Amerique, de la Manière et aux Conditions exprimées cy-deſſous:

1.

La Garniſon de la Ville, compoſée des Troupes de Terre, de Marine, et Matelots, ſortiront de la Ville avec Armes et Bagages, Tambour battant, Mêche allumée, avec Deux Pieces de Canon de France, Douze Coups à tirer pour chaque Piece, et ſera embarqué le plus commodement poſſible pour être miſe en France au premier Port.

2.

Accordé, en mettant les Armes bas.

3.

Accordé.

Articles de Capitulation demandés par M^r de Ramzay, Lieutenant pour le Roy, Commandant les Hautes et Baſſes Villes de Quebec, Chevalier de l'Ordre Royal et Militaire de St. Louis, à ſon Excellence Monſieur le Général des Troupes de Sa Majeſté Britannique:

Article Premier.

M^r de Ramzay demande les Honneurs de la Guerre pour ſa Garniſon, et qu'elle ſoit ramenée à l'Armée en Sureté, par le Chemin le plus court, avec Armes, Bagages, Six Pieces de Canons de Fonte, Deux Mortiers ou Obuſiers, et Douze Coups à tirer par Piece.

Article 2.

Que les Habitans ſoient conſervés dans la Poſſeſſion de leurs Maiſons, Biens, Effets, et Priviléges.

Article 3.

Que les dits Habitans ne pourront être recherchés pour avoir porté les Armes à la Défenſe de la Ville, attendû qu'ils y ont été forcés, et que les Habitans des Colonies des Deux Couronnes y ſervent egalement comme Milices.

4. Accordé

4.

Accordé.

Article 4.

Qu'il ne ſera pas touché aux Effets des Officiers et Habitans abſens.

5.

Accordé.

Article 5.

Que les dits Habitans ne ſeront point transferés, ni tenus de quitter leurs Maiſons, juſqu'à ce qu'un Traité Definitif entre S. M. T. C. et S. M. B. aye reglé leur Etât.

6.

Libre Exerciſe de la Religion Romaine, Sauves-gardes accordées à toutes Perſonnes Religieuſes, ainſi qu'à M. l'Evêque, qui pourra venir exercer librement et avec Decence les Fonctions de ſon Etât, lorſqu'il le jugera àpropos, juſqu'à ce que la Poſſeſſion du Canada aye t-été decidée entre Sa Majeſté B. et S. M. T. C.

Article 6.

Que l'Exerciſe de la Religion Catholique, Apoſtolique, et Romaine ſera conſervé, que l'on donnera des Sauve-gardes aux Maiſons des Eccléſiaſtiques Religieux et Religieuſes, particulierement à M^gr. l'Evêque de Quebec, qui, rempli de Zèle pour la Religion, et de Charité pour le Peuple de ſon Dioceſe, deſire y reſter conſtamment, exercer librement, et avec la Decence que ſon Etât et les ſacrés Myſtères de la Religion Catholique, Apoſtolique, et Romaine exigent, ſon Authorité Epiſcopale dans la Ville de Quebec, lorſqu'il jugera àpropos, juſqu'à ce que la Poſſeſſion du Canada ait été decidée par un Traité entre S. M. T. C. et S. M. B.

7.

Accordé.

Article 7.

Que l'Artillerie et les Munitions de Guerre ſeront remiſes de bonne Foy, et qu'il en ſera dreſſé un Inventaire.

8.

Accordé.

Article 8.

Qu'il en ſera uſé pour les Malades, Bleſſés, Commiſſaires, Aumoniers, Médecins, Chirurgiens, Apoticaires, et autres Perſonnes employés au Service des Hôpitaux, conformement au Traité d'Échange du 6 Fevrier, 1759, convenu entre leurs M. T. C. et B.

9.

Accordé.

Article 9.

Qu'avant dé livrer la Porte et l'Entrée de la Ville aux Troupes Angloiſes, leur Général voudra bien remettre quelques Soldats pour être mis

mis en Sauvegardes aux Egliſes, Couvents, et principales Habitations.

10.

Article 10.

Accordé.

Qu'il ſera permis au Lieutenant du Roy, commandant dans la Ville de Quebec, d'envoyer informer M^r. le Marquis de Vaudreuil, Gouverneur Général, de la Reddition de la Place, comme auſſi que ce Général pourra écrire au Miniſtre de France pour l'en informer.

11.

Article 11.

Accordé.

Que la préſente Capitulation ſera executée ſuivant ſa Forme et Teneur, ſans qu'elle puiſſe être ſujette à Inexecution ſous Pretexte de Repréſailles ou d'une Inexecution de quelque Capitulation précédente.

Le preſent Traité a été fait et arreté double, entre nous, au Camp devant Quebec, ce 18 Septembre, 1759.

CHA^s. SAUNDERS,
GEO. TOWNSHEND,
DE. RAMZAY.

N° 2.

TRANSLATION of the Articles of Capitulation of Quebec, 18th September, 1759.

Article 1^st.

M. DE RAMSAY demands the Honours of War for his Garriſon, and that it ſhall be conducted back to the Army in Safety by the ſhorteſt Road, with their Arms, Baggage, Six Pieces of Braſs Cannon, Two Mortars or Howitzers, and Twelve Rounds.—The Garriſon of the Town, compoſed of Land Forces, Marines, and Sailors, ſhall march out with their Arms and Baggage, Drums beating, lighted Matches, with Two Pieces of Cannon, and Twelve Rounds, and ſhall be embarked as conveniently as poſſible, in order to be landed at the firſt Port in France.

2^d. That

2d. That the Inhabitants ſhall be maintained in the Poſſeſſion of their Houſes, Goods, Effects, and Privileges.—Granted, provided they lay down their Arms.

3d. That the ſaid Inhabitants ſhall not be moleſted on Account of their having borne Arms for the Defence of the Town, as they were forced to it, and as it is cuſtomary for the Inhabitants of the Colonies of both Crowns to ſerve as Militia.—Granted.

4th. That the Effects belonging to the abſent Officers or Inhabitants ſhall not be touched.—Granted.

5th. That the ſaid Inhabitants ſhall not be removed, nor obliged to quit their Houſes, until their Conditions ſhall be ſettled by a Definitive Treaty between their Moſt Chriſtian and Britannic Majeſties.—Granted.

6th. That the Exercíſe of the Catholic, Apoſtolic, and Roman Religion ſhall be preſerved, and that Safe-guards ſhall be granted to the Houſes of the Clergy, and to the Monaſteries, particularly to the Biſhop of Quebec, who, animated with Zeal for Religion, and Charity for the People of his Dioceſe, deſires to reſide conſtantly in it, to exerciſe freely, and with that Decency which his Character, and the ſacred Myſteries of the Catholic, Apoſtolic, and Roman Religion require, his Epiſcopal Authority in the Town of Quebec, whenever he ſhall think it proper, until the Poſſeſſion of Canada ſhall have been decided by a Treaty between their Moſt Chriſtian and Britannic Majeſties.—The free Exerciſe of the Roman Religion, Safe-guards granted to all Religious Perſons, as well as to the Biſhop, who ſhall be at Liberty to come and exerciſe freely and with Decency the Functions of his Office whenever he ſhall think proper, until the Poſſeſſion of Canada ſhall have been decided between their Britannic and Moſt Chriſtian Majeſties.

7th. That the Artillery and Warlike Stores ſhall be delivered up bona fide, and an Inventory taken thereof.—Granted.

8th. That the Sick, Wounded, Commiſſaries, Chaplains, Phyſicians, Surgeons, Apothecaries, and other Perſons employed in the Hoſpitals, ſhall be treated agreeable to the Cartel ſettled between their Moſt Chriſtian and Britannic Majeſties on February 6th, 1759.—Granted.

9th. That before delivering up the Gate, and the Entrance of the Town to the Engliſh Forces, their General will be pleaſed to ſend ſome Soldiers to be placed as Safe-guards at the Churches, Convents, and Chief Habitations.—Granted.

10th. That the Commander of the City of Quebec ſhall be permitted to ſend Advice to the Marquis de Vaudreil, Governor General, of the Reduction of the Town; as alſo that this General ſhall be allowed to write to the French Miniſtry to inform them thereof.—Granted.

11th. That the preſent Capitulation ſhall be executed according to its Form and Tenor, without being liable to Non-execution under Pretence of Repriſals, or the Non-execution of any preceding Capitulation.—Granted.

The

The preſent Treaty has been made and ſettled between us, and Duplicates ſigned at the Camp before Quebec, Sept. 18, 1759.

C. SAUNDERS. G. TOWNSHEND.
DE RAMZAY.

N° 3.

COPY of the Fourth Article of the Definitive Treaty, concluded at Paris the 10th of February 1763.

HIS Moſt Chriſtian Majeſty renounces all Pretenſions which he has heretofore formed, or might form, to Nova Scotia, or Acadia, in all its Parts, and guarantees the Whole of it, and with all its Dependencies, to the King of Great Britain: Moreover his Moſt Chriſtian Majeſty cedes and guarantees to His ſaid Britannic Majeſty, in full Right, Canada, with all its Dependencies, as well as the Iſland of Cape Breton, and all the other Iſlands and Coaſts in the Gulph and River St. Lawrence, and in general every Thing that depends on the ſaid Countries, Lands, Iſlands, and Coaſts, with the Sovereignty, Property, Poſſeſſion, and all Rights, acquired by Treaty or otherwiſe, which the Moſt Chriſtian King and the Crown of France have had till now over the ſaid Countries, Iſlands, Lands, Places, Coaſts, and their Inhabitants, ſo that the Moſt Chriſtian King cedes and makes over the Whole to the ſaid King, and to the Crown of Great Britain, and that in the moſt ample Manner and Form, without Reſtriction, and without any Liberty to depart from the ſaid Ceſſion and Guaranty, under any Pretence, or to diſturb Great Britain in the Poſſeſſion above-mentioned.

His Britannic Majeſty, on His Side, agrees to grant the Liberty of the Catholic Religion to the Inhabitants of Canada: He will, conſequently, give the moſt preciſe and moſt effectual Orders, that His new Roman Catholic Subjects may profeſs the Worſhip of their Religion, according to the Rights of the Romiſh Church, as far as the Laws of Great Britain permit.

His Britannic Majeſty further agrees, that the French Inhabitants, or others, who had been Subjects of the Moſt Chriſtian King in Canada, may retire, with all Safety and Freedom, wherever they ſhall think proper, and may ſell their Eſtates, provided it be to Subjects of His Britannic Majeſty, and bring away their Effects, as well as their Perſons, without being reſtrained in their Emigration, under any Pretence whatſoever, except that of Debts, or of Criminal Proſecutions: The Term limited for this Emigration ſhall be fixed to the Space of Eighteen Months, to be computed from the Day of the Exchange of the Ratifications of the preſent Treaty.

N° 4.

N° 4.

(COPY.)

ROYAL PROCLAMATION, October 7th 1763.

By the KING. A Proclamation.

GEORGE R.

WHEREAS We have taken into Our Royal Conſideration the extenſive and valuable Acquiſitions in America, ſecured to Our Crown by the late Definitive Treaty of Peace, concluded at Paris the 10th Day of February laſt; and being deſirous that all Our loving Subjects, as well of Our Kingdoms as of Our Colonies in America, may avail themſelves, with all convenient Speed, of the great Benefits and Advantages which muſt accrue therefrom to their Commerce, Manufactures, and Navigation, We have thought fit, with the Advice of Our Privy Council, to iſſue this Our Royal Proclamation, hereby to publiſh and declare to all Our loving Subjects, that We have, with the Advice of Our ſaid Privy Council, granted Our Letters Patent, under Our Great Seal of Great Britain, to erect, within the Countries and Iſlands ceded and confirmed to Us by the ſaid Treaty, Four diſtinct and ſeparate Governments, ſtyled and called by the Names of Quebec, Eaſt Florida, Weſt Florida, and Grenada, and limited and bounded as follows; viz.

Firſt. The Government of Quebec, bounded on the Labrador Coaſt by the River St. John, and from thence by a Line drawn from the Head of that River, through the Lake St. John, to the South End of the Lake Nipiſſim; from whence the ſaid Line, croſſing the River St. Lawrence, and the Lake Champlain, in 45 Degrees of North Latitude, paſſes along the High Lands which divide the Rivers that empty themſelves into the ſaid River St. Lawrence from thoſe which fall into the Sea; and alſo along the North Coaſt of the Baye des Chaleurs, and the Coaſt of the Gulph of St. Lawrence to Cape Roſieres, and from thence croſſing the Mouth of the River St. Lawrence, by the Weſt End of the Iſland of Anticoſti, terminates at the aforeſaid River of St. John.

Secondly. The Government of Eaſt Florida, bounded to the Weſtward by the Gulph of Mexico and the Apalachicola River; to the Northward by a Line drawn from that Part of the ſaid River where the Chatahouchee and Flint Rivers meet, to the Source of St. Mary's River, and by the Courſe of the ſaid River to the Atlantic Ocean; and to the Eaſtward and Southward by the Atlantic Ocean and the Gulph of Florida, including all Iſlands within Six Leagues of the Sea Coaſt.

Thirdly. The Government of Weſt Florida, bounded to the Southward by the Gulph of Mexico, including all Iſlands within Six Leagues of the Coaſt, from the River Apalachicola to Lake Pontchartrain; to the Weſtward by the ſaid Lake, the Lake Maurepas, and the River Miſſiſippi; to the Northward by a Line drawn due Eaſt from that Part of the River Miſſiſippi

Miſſiſippi which lies in 31 Degrees North Latitude, to the River Apalachicola or Chatahouchee; and to the Eaſtward by the ſaid River.

Fourthly. The Government of Grenada, comprehending the Iſland of that Name, together with the Grenadines, and the Iſlands of Dominico, St. Vincent's, and Tobago.

And to the End that the open and free Fiſhery of Our Subjects may be extended to and carried on upon the Coaſt of Labrador, and the adjacent Iſlands, We have thought fit, with the Advice of Our ſaid Privy Council, to put all that Coaſt, from the River St. John's to Hudſon's Streights, together with the Iſlands of Anticoſti and Madelaine, and all other ſmaller Iſlands lying upon the ſaid Coaſt, under the Care and Inſpection of Our Governor of Newfoundland.

We have alſo, with the Advice of Our Privy Council, thought fit to annex the Iſlands of St. John's and Cape Breton, or Iſle Royale, with the leſſer Iſlands adjacent thereto, to Our Government of Nova Scotia.

We have alſo, with the Advice of Our Privy Council aforeſaid, annexed to Our Province of Georgia all the Lands lying between the Rivers Alatamaha and St. Mary's.

And whereas it will greatly contribute to the ſpeedy ſettling Our ſaid new Governments, that Our loving Subjects ſhould be informed of Our Paternal Care for the Security of the Liberties and Properties of thoſe who are and ſhall become Inhabitants thereof, We have thought fit to publiſh and declare, by this Our Proclamation, that We have, in the Letters Patent under Our Great Seal of Great Britain, by which the ſaid Governments are conſtituted, given expreſs Power and Direction to Our Governors of Our ſaid Colonies reſpectively, that ſo ſoon as the State and Circumſtances of the ſaid Colonies will admit thereof, they ſhall, with the Advice and Conſent of the Members of Our Council, ſummon and call General Aſſemblies within the ſaid Governments reſpectively, in ſuch Manner and Form as is uſed and directed in thoſe Colonies and Provinces in America which are under Our immediate Government; and We have alſo given Power to the ſaid Governors, with the Conſent of Our ſaid Councils, and the Repreſentatives of the People ſo to be ſummoned as aforeſaid, to make, conſtitute, and ordain Laws, Statutes, and Ordinances for the Public Peace, Welfare, and good Government of Our ſaid Colonies, and of the People and Inhabitants thereof, as near as may be agreeable to the Laws of England, and under ſuch Regulations and Reſtrictions as are uſed in other Colonies; and in the mean Time, and until ſuch Aſſemblies can be called as aforeſaid, all Perſons inhabiting in or reſorting to Our ſaid Colonies may confide in Our Royal Protection for the Enjoyment of the Benefit of the Laws of Our Realm of England; for which Purpoſe We have given Power under Our Great Seal to the Governors of Our ſaid Colonies reſpectively to erect and conſtitute, with the Advice of Our ſaid Councils reſpectively, Courts of Judicature and public Juſtice within Our ſaid Colonies, for hearing and determining all Cauſes, as well Criminal as Civil, according to Law and Equity, and as near as may be agreeable to the Laws of England, with Liberty to all Perſons who may think themſelves aggrieved by the Sentences of ſuch Courts, in all Civil Caſes, to appeal, under the uſual Limitations and Reſtrictions, to Us in Our Privy Council.

We have alſo thought fit, with the Advice of Our Privy Council as aforeſaid, to give unto the Governors and Councils of Our ſaid Three new Colonies upon the Continent full Power and Authority to ſettle and agree with the Inhabitants of Our ſaid new Colonies or with any other Perſons who ſhall reſort thereto, for ſuch Lands, Tenements, and Hereditaments as are now or hereafter ſhall be in Our Power to diſpoſe of; and them to grant to any ſuch Perſon or Perſons, upon ſuch Terms, and under ſuch moderate Quit Rents, Services, and Acknowledgments, as have been appointed and ſettled in Our other Colonies, and under ſuch other Conditions as ſhall appear to Us to be neceſſary and expedient for the Advantage of the Grantees, and the Improvement and Settlement of Our ſaid Colonies.

And whereas We are deſirous, upon all Occaſions, to teſtify Our Royal Senſe and Approbation of the Conduct and Bravery of the Officers and Soldiers of Our Armies, and to reward the ſame, We do hereby command and impower Our Governors of Our ſaid Three new Colonies, and all other Our Governors of Our ſeveral Provinces on the Continent of North America, to grant, without Fee or Reward, to ſuch reduced Officers as have ſerved in North America during the late War, and to ſuch Private Soldiers as have been or ſhall be diſbanded in America, and are actually reſiding there, and ſhall Perſonally apply for the ſame, the following Quantities of Lands, ſubject, at the Expiration of Ten Years, to the ſame Quit Rents as other Lands are ſubject to in the Province within which they are granted, as alſo ſubject to the ſame Conditions of Cultivation and Improvement; viz.

To every Perſon having the Rank of a Field Officer, 5,000 Acres.

To every Captain, 3,000 Acres.

To every Subaltern, or Staff Officer, 2,000 Acres.

To every Non-commiſſion Officer, 200 Acres.

To every Private Man, 50 Acres.

We do likewiſe authorize and require the Governors and Commanders in Chief of all Our ſaid Colonies upon the Continent of North America to grant the like Quantities of Land, and upon the ſame Conditions, to ſuch reduced Officers of Our Navy of like Rank as ſerved on Board Our Ships of War in North America at the Times of the Reduction of Louiſbourg and Quebec in the late War, and who ſhall Perſonally apply to Our reſpective Governors for ſuch Grants.

And whereas it is juſt and reaſonable, and eſſential to Our Intereſt, and the Security of Our Colonies, that the ſeveral Nations or Tribes of Indians with whom We are connected, and who live under Our Protection, ſhould not be moleſted or diſturbed in the Poſſeſſion of ſuch Parts of Our Dominions and Territories as, not having been ceded to or purchaſed by Us, are reſerved to them, or any of them, as their Hunting Grounds, We do therefore, with the Advice of Our Privy Council, declare it to be Our Royal Will and Pleaſure that no Governor or Commander in Chief in any of Our Colonies of Quebec, Eaſt Florida, or Weſt Florida, do preſume, upon any Pretence whatever, to grant Warrants of Survey, or paſs any Patents for

for Lands beyond the Bounds of their reſpective Governments, as deſcribed in their Commiſſions; as alſo that no Governor or Commander in Chief in any of Our other Colonies or Plantations in America do preſume for the preſent, and until Our further Pleaſure be known, to grant Warrants of Survey, or paſs Patents for any Lands beyond the Heads or Sources of any of the Rivers which fall into the Atlantic Ocean from the Weſt and North Weſt, or upon any Lands whatever, which not having been ceded to or purchaſed by Us as aforeſaid, are reſerved to the ſaid Indians, or any of them.

And We do further declare it to be Our Royal Will and Pleaſure, for the preſent as aforeſaid, to reſerve under Our Sovereignty, Protection, and Dominion, for the Uſe of the ſaid Indians, all the Lands and Territories not included within the Limits of Our ſaid Three new Governments, or within the Limits of the Territory granted to the Hudſon's Bay Company, as alſo all the Lands and Territories lying to the Weſtward of the Sources of the Rivers which fall into the Sea from the Weſt and North Weſt as aforeſaid; and We do hereby ſtrictly forbid, on Pain of our Diſpleaſure, all Our loving Subjects from making any Purchaſes or Settlements whatever, or taking Poſſeſſion of any of the Lands above reſerved, without Our eſpecial Leave and Licence for that Purpoſe firſt obtained.

And We do further ſtrictly enjoin and require all Perſons whatever who have either wilfully or inadvertently ſeated themſelves upon any Lands within the Countries above deſcribed, or upon any other Lands which, not having been ceded to or purchaſed by Us, are ſtill reſerved to the ſaid Indians as aforeſaid, forthwith to remove themſelves from ſuch Settlements.

And whereas great Frauds and Abuſes have been committed in the purchaſing Lands of the Indians, to the great Prejudice of Our Intereſts, and to the great Diſſatisfaction of the ſaid Indians: In order, therefore, to prevent ſuch Irregularities for the future, and to the End that the Indians may be convinced of Our Juſtice and determined Reſolution to remove all reaſonable Cauſe of Diſcontent, We do, with the Advice of Our Privy Council, ſtrictly enjoin and require, that no private Perſon do preſume to make any Purchaſe from the ſaid Indians of any Lands reſerved to the ſaid Indians within thoſe Parts of Our Colonies where We have thought proper to allow Settlement; but that if at any Time any of the ſaid Indians ſhould be inclined to diſpoſe of the ſaid Lands, the ſame ſhall be purchaſed only for Us, in Our Name, at ſome public Meeting or Aſſembly of the ſaid Indians, to be held for that Purpoſe by the Governor or Commander in Chief of Our Colony reſpectively within which they ſhall lie; and in caſe they ſhall lie within the Limits of any Proprietary Government, they ſhall be purchaſed only for the Uſe and in the Name of ſuch Proprietaries, conformable to ſuch Directions and Inſtructions as We or they ſhall think proper to give for that Purpoſe; and We do, by the Advice of Our Privy Council, declare and enjoin, that the Trade with the ſaid Indians ſhall be free and open to all Our Subjects whatever provided that every Perſon who may incline to trade with the ſaid Indians do take out a Licence for carrying on ſuch Trade from the Governor or Commander in Chief of any of Our Colonies reſpectively where ſuch Perſon ſhall reſide, and alſo give Security to obſerve ſuch Regulations as

We

We ſhall at any Time think fit, by Ourſelves or by Our Commiſſaries to be appointed for this Purpoſe, to direct and appoint for the Benefit of the ſaid Trade: And We do hereby authorize, enjoin, and require the Governors and Commanders in Chief of all Our Colonies reſpectively, as well thoſe under Our immediate Government as thoſe under the Government and Direction of Proprietaries, to grant ſuch Licences without Fee or Reward, taking eſpecial Care to inſert therein a Condition, that ſuch Licence ſhall be void, and the Security forfeited in caſe the Perſon to whom the ſame is granted ſhall refuſe or neglect to obſerve ſuch Regulations as We ſhall think proper to preſcribe as aforeſaid.

And We do further expreſsly enjoin and require all Officers whatever, as well military as thoſe employed in the Management and Direction of Indian Affairs, within the Territories reſerved as aforeſaid for the Uſe of the ſaid Indians, to ſeize and apprehend all Perſons whatever, who, ſtanding charged with Treaſons, Miſpriſions of Treaſon, Murders, or other Felonies or Miſdemeanors, ſhall fly from Juſtice, and take Refuge in the ſaid Territory, and to ſend them under a proper Guard to the Colony where the Crime was committed of which they ſtand accuſed, in order to take their Trial for the ſame.

Given at Our Court at St. James's, the 7th Day of October, 1763, in the Third Year of Our Reign.

God ſave the King.

N° 5.

COPY of Inſtructions for James Murray, Eſquire, Governor of the Province of Quebec, dated 7th December 1763.

GEORGE R.

(L. S.) Inſtructions to Our Truſty and Well-beloved James Murray, Eſquire, Our Captain General and Governor in Chief in and over Our Province of Quebec, in America, and of all our Territories dependant thereupon. Given at Our Court at St. James's, the 7th Day of December 1763, in the Fourth Year of Our Reign.

1. WITH theſe Our Inſtructions you will receive Our Commiſſion under Our Great Seal of Great Britain, conſtituting you Our Captain General and Governor in Chief in and over our Province of Quebec in America, bounded on the Labrador Coaſt by the River St. John, and from thence by a Line drawn from the Head of that River through the Lake St. John to the South End of the Lake Nipiſſin, from whence the ſaid Line, croſſing the River St. Lawrence, and the Lake Champlain, in Forty-five Degrees of North Latitude, paſſes along the Highlands

Highlands which divide the Rivers that empty themſelves into the ſaid River St. Lawrence from thoſe which fall into the Sea; and alſo along the North Coaſt of the Baye des Chaleurs, and the Coaſt of the Gulph of St. Lawrence, to Cape Roſieres; and from thence croſſing the Mouth of the River St. Lawrence by the Weſt End of the Iſland of Anticoſti, terminates at the aforeſaid River of St. John: You are therefore to take upon you the Execution of the Office and Truſt We have repoſed in you, and the Adminiſtration of Government, and to do and execute all Things in due Manner that ſhall belong to your Command, according to the ſeveral Powers and Authorities of Our ſaid Commiſſion under Our Great Seal of Great Britain, and theſe Our Inſtructions to you, according to ſuch further Powers and Inſtructions as ſhall at any Time hereafter be granted or appointed you, under Our Signet and Sign Manual, or by Our Order in Our Privy Council.

2. And you are with all due Solemnity to cauſe Our ſaid Commiſſion to be publiſhed at Quebec, which We do appoint to be the Place of your Reſidence, and the principal Seat of Government in the Diſtricts of Montreal and Trois Rivieres, and in ſuch other Parts of your Government as you ſhall think neceſſary and expedient, as ſoon as poſſible; which being done, you are in the next Place to nominate and eſtabliſh a Council for Our ſaid Province, to aſſiſt you in the Adminiſtration of Government, which Council is for the preſent to be compoſed of the Perſons whom We have appointed to be Our Lieutenant Governors of Montreal and Trois Rivieres, Our Chief Juſtice of Our ſaid Province, and the Surveyor General of Our Cuſtoms in America for the Northern Diſtrict, and Eight other Perſons to be choſen by you from amongſt the moſt conſiderable of the Inhabitants of or Perſons of Property in Our ſaid Province, which Perſons ſo nominated and appointed by you as aforeſaid (Five of which We do hereby appoint to be a Quorum) are to be Our Council for Our ſaid Province, and to have and enjoy all the Powers, Privilege, and Authority uſually exerciſed and enjoyed by the Members of Our Councils in Our other Plantations, and alſo ſuch others as are contained in Our ſaid Commiſſion under Our Great Seal of Great Britain, and in theſe Our Inſtructions to you; and they ſhall meet together at ſuch Time or Times, Place or Places as you in your Diſcretion ſhall think neceſſary and expedient: It is nevertheleſs Our Will and Pleaſure that the ſaid Chief Juſtice, or Surveyor General of the Cuſtoms, ſhall not be capable of taking the Adminiſtration of the Government upon the Death or Abſence of you Our Governor, or the Commander in Chief for the Time being.

3. And you are forthwith to call Our ſaid Council together, or ſuch of them as can be conveniently aſſembled, and to cauſe Our ſaid Commiſſion to you to be read at ſuch Meeting; which being done, you ſhall then take yourſelf, and alſo adminiſter to Our Lieutenant Governors reſpectively, and to the Members of Our ſaid Council, the Oaths mentioned in Act paſſed in the Firſt Year of the Reign of his Majeſty King George the Firſt, intituled, "An Act for the further Security of His Majeſty's Perſon "and Government, and the Succeſſion of the Crown in the Heirs of the "late Princeſs Sophia, being Proteſtants, and for extinguiſhing the Hopes "of the pretended Prince of Wales, and his open and ſecret Abettors," as

alſo to make and ſubſcribe, and cauſe them to make and ſubſcribe the Declaration mentioned in an Act of Parliament made in the Twenty-fifth Year of the Reign of King Charles the Second, intituled, "An Act for "preventing Dangers which may happen from Popiſh Recuſants;" and you and every One of them are likewiſe to take an Oath for the due Execution of your and their Places and Truſts, with regard to your and their equal and impartial Adminiſtration of Juſtice; and you are alſo to take the Oath required by an Act paſſed in the Seventh and Eighth Years of the Reign of King William the Third to be taken by Governors of Plantations, to do their utmoſt that the Laws relating to the Plantations be obſerved.

4. And you are forthwith to tranſmit unto Our Commiſſioners for Trade and Plantations, in order to be laid before Us for Our Approbation or Diſallowance, the Names of the Members of the Council ſo to be appointed by you as aforeſaid; as alſo a Liſt of the Names and Characters of Eight other Perſons in Our ſaid Province, whom you judge properly qualified to ſerve in that Station; to the End that, if any of the Perſons appointed by you as aforeſaid ſhall not be approved and confirmed by Us, under Our Signet and Sign Manual, the Place or Places of ſuch Perſons ſo diſapproved may be forthwith ſupplied from the ſaid Liſt, or otherwiſe, as We ſhall think fit.

5. And if it ſhall at any Time happen, that by the Death, Departure out of Our ſaid Province, Suſpenſion of any of Our ſaid Councillors, or otherwiſe, there ſhall be a Vacancy in Our ſaid Council, Our Will and Pleaſure is, that you ſignify the ſame to Our Commiſſioners for Trade and Plantations by the firſt Opportunity, that We may, under Our Sign Manual, conſtitute and appoint others in their Stead; to which End you are, whenever ſuch Vacancy happens, to tranſmit unto Our ſaid Commiſſioners, in order to be laid before Us, the Names of Three or more Perſons, Inhabitants of Our ſaid Province, whom you ſhall eſteem beſt qualified for ſuch Truſt.

6. But that Our Affairs may not ſuffer for Want of a due Number of Councillors, if ever it ſhall happen that there be leſs than Seven reſiding in Our ſaid Province, We do hereby give and grant unto you the ſaid James Murray full Power and Authority to chuſe as many Perſons, out of the principal Inhabitants of Our ſaid Province, as will make up the full Number of the Council to be Seven, and no more; which Perſons, ſo choſen and appointed by you, ſhall be to all Intents and Purpoſes Councillors in Our ſaid Province, till either they ſhall be confirmed by Us, or by the Nomination of others by Us, under our Signet and Sign Manual: Our ſaid Council ſhall have Seven or more Perſons in it.

7. And it is Our Will and Pleaſure that you do, and you are hereby authorized and empowered to ſuſpend and remove any of the Members of Our ſaid Council from ſitting, voting, and aſſiſting therein, if you ſhall find juſt Cauſe for ſo doing; and alſo in like Manner to ſuſpend any of Our Lieutenant Governors of Our ſaid Province from the Execution of their Commands, and to appoint others in their Stead, until Our Pleaſure ſhall be known; it is nevertheleſs our Will and Pleaſure, that you do not ſuſpend or remove any of the Lieutenant Governors of Our ſaid Province reſpectively,

ſpectively, or any of the Members of Our Council, when they ſhall have been confirmed by Us as aforeſaid, without good and ſufficient Cauſe, nor without the Conſent of the Majority of the ſaid Council, ſignified in Council, after due Examination of the Charge againſt ſuch Lieutenant Governor, or Councillor, and his Anſwer thereunto: And in caſe of Suſpenſion of any of them you are to cauſe your Reaſons for ſo doing, together with the Charges and Proofs againſt ſuch Perſon, and his Anſwer thereunto, to be duly entered upon the Council Books, and forthwith to tranſmit Copies thereof to Our Commiſſioners for Trade and Plantations, in order to be laid before Us: Nevertheleſs, if it ſhould happen that you ſhould have Reaſons for ſuſpending any of the ſaid Perſons, not fit to be communicated to the Council, you may in that Caſe ſuſpend ſuch Perſon without the Conſent of the ſaid Council, but you are thereupon immediately to ſend to Our Commiſſioners for Trade and Plantations, in order to be laid before Us, an Account of your Proceedings therein, together with your Reaſons at large for ſuch Suſpenſion, as alſo your Reaſons at large for not communicating the ſame to the Council, Duplicates thereof, by the next Opportunity.

8. Whereas We are ſenſible that effectual Care ought to be taken to oblige the Members of Our Council to a due Attendance therein, in order to prevent the many Inconveniencies that may happen from the Want of a Quorum of the Council to tranſact Buſineſs as Occaſion may require; it is Our Will and Pleaſure, that if any of the Members of Our ſaid Council ſhall hereafter abſent themſelves from the ſaid Province, and continue abſent above the Space of Six Months together, without Leave from you, or from Our Commander in Chief of Our ſaid Province for the Time being, firſt obtained under your or his Hand and Seal, or ſhall remain abſent for the Space of One Year, without Our Leave given them under Our Royal Signet and Sign Manual, their Place or Places in the ſaid Council ſhall immediately thereupon become void; and that if any of the Members of Our ſaid Council, then reſiding in that Province under your Government, ſhall hereafter wilfully abſent themſelves when duly ſummoned, without a juſt and lawful Cauſe, and ſhall perſiſt therein after Admonition, you ſuſpend the ſaid Councillors ſo abſenting themſelves, till Our further Pleaſure be known, giving Us timely Notice thereof: And We do hereby will and require you, that this Our Royal Pleaſure be ſignified to the ſeveral Members of Our Council aforeſaid, and entered into the Council Books of the Province under your Government, as a ſtanding Rule.

9. You are forthwith to communicate ſuch and ſo many of theſe Our Inſtructions to our ſaid Council, wherein their Advice and Conſent are mentioned to be requiſite, as likewiſe all ſuch others from Time to Time as you ſhall find convenient for Our Service to be imparted to them.

10. You are to permit the Members of Our ſaid Council to have and enjoy Freedom of Debate and Vote, in all Affairs of public Concern that may be debated in Council.

11. And whereas it is directed by Our Commiſſion to you, under Our Great Seal, that ſo ſoon as the Situation and Circumſtances of Our ſaid Province will admit thereof you ſhall, with the Advice of Our Council, ſummon and call a General Aſſembly of the Freeholders in Our ſaid Province,

vince, you are therefore, as ſoon as the more preſſing Affairs of Government will allow, to give all poſſible Attention to the carrying this important Object into Execution; but as it may be impracticable for the preſent to form ſuch an Eſtabliſhment, You are in the mean Time to make ſuch Rules and Regulations, by the Advice of Our ſaid Council, as ſhall appear to be neceſſary for the Peace, Order, and good Government of Our ſaid Province, taking Care that nothing be paſſed or done that ſhall any Ways tend to affect the Life, Limb, or Liberty of the Subject, or to the impoſing any Duties or Taxes; and that all ſuch Rules and Regulations be tranſmitted to Us by the firſt Opportunity, after they are paſſed and made, for Our Approbation or Diſallowance: And it is Our Will and Pleaſure, that when an Aſſembly ſhall have been ſummoned and met in ſuch Manner as you in your Diſcretion ſhall think moſt proper, or as ſhall be hereafter directed and appointed, the following Regulations be carefully obſerved in the framing and paſſing all ſuch Laws, Statutes, and Ordinances, as are to be paſſed by you, with the Advice and Conſent of Our ſaid Council and Aſſembly; viz.

That the Stile of enacting the ſaid Laws, Statutes, and Ordinances be by the Governor, Council, and Aſſembly, and no other.

That each different Matter be provided for by a different Law, without including in One and the ſame Act ſuch Things as have no proper Relation to each other.

That no Clauſe be inſerted in any Act or Ordinance which ſhall be foreign to what the Title of it imports; and that no perpetual Clauſe be part of any temporary Law.

That no Law or Ordinance whatever be ſuſpended, altered, continued, revived, or repealed by general Words; but that the Title and Date of ſuch Law or Ordinance be particularly mentioned in the enacting Part.

That no Law or Ordinance reſpecting Private Property be paſſed without a Clauſe ſuſpending its Execution until Our Royal Will and Pleaſure is known, nor without a Saving of the Right of Us, Our Heirs and Succeſſors, and of all Bodies Politic and Corporate, and of all other Perſons, except ſuch as are mentioned in the ſaid Law or Ordinance, and thoſe claiming by, from, and under them; and before ſuch Law and Ordinance is paſſed Proof muſt be made before you in Council, and entered in the Council Books, that public Notification was made of the Party's Intention to apply for ſuch Act in the ſeveral Pariſh Churches where the Lands in Queſtion lie, for Three Sundays at leaſt ſucceſſively before any ſuch Law or Ordinance ſhall be propoſed; and you are to tranſmit and annex to the ſaid Law or Ordinance a Certificate under your Hand, that the ſame paſſed through all the Forms above mentioned.

That in all Laws or Ordinances for levying Money, or impoſing Fines, Forfeitures, or Penalties, expreſs Mention be made, that the ſame is granted or reſerved to Us, Our Heirs and Succeſſors, for the Public Uſes of the ſaid Province, and the Support of the Government thereof, as by the ſaid Law or Ordinance ſhall be directed; and that a Clauſe be inſerted, declaring that the Money ariſing by the Operation of the ſaid Law or Ordinance ſhall be accounted for unto Us in this Kingdom, and to Our Commiſſioners of Our Treaſury, or Our High Treaſurer for the Time being,

being, and audited by Our Auditor General of Our Plantations, or His Deputy.

That all ſuch Laws, Statutes, and Ordinances be tranſmitted by you, within Three Months after their paſſing, or ſooner if Opportunity offers, to Our Commiſſioners for Trade and Plantations, that they be fairly abſtracted in the Margents, and accompanied with very full and particular Obſervations upon each of them; that is to ſay, whether the ſame is introductive of a new Law, declaratory of a former Law, or does repeal a Law then before in being; and you are alſo to tranſmit, in the fulleſt Manner, the Reaſons and Occaſion for enacting ſuch Laws or Ordinances, together with fair Copies of the Journals of the Proceedings of the Council and Aſſembly, which you are to require from the Clerks of the ſaid Council and Aſſembly.

12. And to the End that nothing may be paſſed or done to the Prejudice of the true Intereſts of this Our Kingdom, the juſt Rights of Us, Our Heirs and Succeſſors, or the Property of Our Subjects, it is Our expreſs Will and Pleaſure, that no Law whatever which ſhall in any wiſe tend to affect the Commerce or Shipping of this Kingdom, or which ſhall anyways relate to the Rights and Prerogative of Our Crown, or the Property of Our Subjects, or which ſhall be of an unuſual or extraordinary Nature, be finally ratified and aſſented to by you, until you ſhall have firſt tranſmitted a Draft of ſuch Law, and ſhall have received Our Directions thereupon, unleſs you take Care that a Clauſe be inſerted ſuſpending and deferring the Execution thereof until Our Pleaſure is known concerning the ſame.

13. And whereas Laws have formerly been enacted in ſeveral of Our Plantations in America for ſo ſhort Time, that Our Royal Aſſent or Refuſal thereof could not be had before the Time for which ſuch Laws were enacted did expire, you ſhall not give your Aſſent to any Law that ſhall be enacted for a leſs Time than Two Years, except in Caſes of imminent Neceſſity, as immediate temporary Expediency; and you ſhall not re-enact any Law to which Our Aſſent ſhall have been once refuſed, without expreſs Leave for that Purpoſe firſt obtained from Us, upon a full Repreſentation by you to be made to Our Commiſſioners for Trade and Plantations, in order to be laid before Us, of the Reaſons and Neceſſity for paſſing ſuch Law; nor give your Aſſent to any Law for repealing any other Law which ſhall have paſſed in your Government, and ſhall have received Our Royal Approbation, unleſs you take Care that there be a Clauſe inſerted therein, ſuſpending and deferring the Execution thereof until Our Pleaſure ſhall be known concerning the ſame.

14. And We do particularly require you to take Care that fair Books of Accounts of all Receipts and Payments of all Public Money be duly kept, and the Truth thereof atteſted upon Oath; and that all ſuch Accounts be audited and atteſted by Our Auditor General of Our Plantations, or his Deputy, who is to tranſmit Copies thereof to Our Commiſſioners of Our Treaſury, or to Our High Treaſurer for the Time being; and that you do, every Half Year, or oftner, ſend another Copy thereof, atteſted by yourſelf, to Our Commiſſioners for Trade and Plantations, and Duplicates thereof by the next Conveyance, in which Books ſhall be ſpecified every particular Sum raiſed or

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diſpoſed of, together with the Names of the Perſons to whom any Payment ſhall be made, to the End We may be ſatisfied of the right and due Application of the Revenue of Our ſaid Province, with the Probability of the Increaſe and Diminution of it under every Head and Article thereof.

15. And whereas the Members of ſeveral Aſſemblies in the Plantations have frequently aſſumed to themſelves Privileges no Ways belonging to them, eſpecially of being protected from Suits at Law during the Term they remain of the Aſſembly, to the great Prejudice of their Creditors, and the Obſtruction of Juſtice; and ſome Aſſemblies have preſumed to adjourn themſelves at Pleaſure, without Leave from Our Governor firſt obtained, and others have taken upon them the ſole framing of Money Bills, refuſing to let the Council alter or amend the ſame, all which Practices are very detrimental to Our Prerogative; if therefore you find that the Members of the Aſſembly of Our Province of Quebec inſiſt upon any of the ſaid Privileges, you are to ſignify to them that it is Our expreſs Will and Pleaſure that you do not allow any Protection to any Member of the Council or Aſſembly, further than in their Perſons, and that only during the ſitting of the Aſſembly; and that you do not allow them to adjourn themſelves otherwiſe than de Die in Diem, except Sundays and Holydays, without Leave from you, or the Commander in Chief for the Time being, firſt obtained: It is alſo Our further Will and Pleaſure, that the Council have the like Power of framing Money Bills as the Aſſembly.

16. And whereas by Our aforeſaid Commiſſion, under Our Great Seal of Great Britain, you are authorized and impowered, with the Advice and Conſent of Our Council, to conſtitute and appoint Courts of Judicature and Juſtice; it is therefore Our Will and Pleaſure that you do, as ſoon as poſſible, apply your Attention to theſe great and important Objects, and that in forming the neceſſary Eſtabliſhments for this Purpoſe you do conſider what has taken Place in this Reſpect in Our other Colonies in America, more particularly in Our Colony of Nova Scotia.

17. And whereas it is for the Eaſe, Satisfaction, and Benefit of all Our Subjects, that Appeals ſhould be allowed in all Civil Cauſes, from the Courts in Our Plantations; it is therefore Our Will and Pleaſure, that when the ſeveral Courts and Offices neceſſary for the Adminiſtration of Juſtice ſhall have been ſettled, appointed, and confirmed, in conſequence of the Power veſted in you by Our Commiſſion under Our Great Seal, and by theſe Our Inſtructions, you do, as near as different Circumſtances will admit, conform yourſelf to the Regulations preſcribed in the Inſtructions given to Our Governor of Nova Scotia, in reſpect to ſuch Appeals, Copies of which Inſtructions are hereunto annexed.

18. You are, with the Advice and Conſent of Our Council in the Province under your Government, to take eſpecial Care to regulate all Salaries and Fees belonging to Places, or paid upon Emergencies, that they be within the Bounds of Moderation, and that no Exaction be made on any Occaſion whatſoever; as alſo that Tables of all Fees be publicly hung up in all Places where ſuch Fees are to be paid; and you are to tranſmit Copies of all ſuch Tables of Fees to Our Commiſſioners for Trade and Plantations, in order to be laid before Us.

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19. It is Our expreſs Will and Pleaſure, that you do by the firſt Opportunity, and with all convenient Speed, tranſmit unto Us, by Our Commiſſioners for Trade and Plantations, authentic Copies of all Acts, Orders, Grants, Commiſſions, or other Powers, by virtue of which any Courts, Offices, Juriſdictions, Pleas, Authorities, Fees, and Privileges, have been ſettled or eſtabliſhed for Our Confirmation or Diſallowance, and in caſe all or any of them ſhall at any Time or Times be diſallowed and not approved, then ſuch and ſo many as ſhall be ſo diſallowed and not approved, and ſo ſignified by Us, ſhall ceaſe, determine, and be no longer continued or put in Practice.

20. You ſhall not appoint any Perſon to be a Judge or Juſtice of the Peace, without the Advice and Conſent of the Majority of the Members of Our Council, preſent in Council, nor ſhall you execute yourſelf or by Deputy any of the ſaid Offices: And it is Our further Will and Pleaſure, that all Commiſſions to be granted by you to any Perſon or Perſons to be Judges, or Juſtices of the Peace, or other neceſſary Officers, be granted during Pleaſure only.

21. You ſhall not diſplace any of the Judges, Juſtices of the Peace, or other Officers or Miniſters, without good and ſufficient Cauſe, which you ſhall ſignify in the fulleſt and moſt diſtinct Manner to Our Commiſſioners for Trade and Plantations, in order to be laid before Us by the firſt Opportunity after ſuch Removals.

22. And whereas frequent Complaints have heretofore been made of great Delays and undue Proceedings in the Courts of Juſtice in ſeveral of Our Plantations, whereby many of Our good Subjects have very much ſuffered; and it being of the greateſt Importance to Our Service, and to the Welfare of Our Plantations, that Juſtice be every where ſpeedily and duly adminiſtered, and that all Diſorders, Delays, and other undue Practices, in the Adminiſtration thereof, be effectually prevented, We do particularly require you to take eſpecial Care that in all Courts where you are authorized to preſide Juſtice be impartially adminiſtered, and that in all other Courts eſtabliſhed within Our ſaid Province all Judges and other Perſons therein concerned do likewiſe perform their ſeveral Duties without any Delay or Partiality.

23. You are to take Care that all Writs be iſſued in Our Name throughout the Province under your Government.

24. Whereas there are ſeveral Offices in Our Plantations granted under the Great Seal of Great Britain, and our Service may be very much prejudiced by Reaſon of the Abſence of the Patentees, and by their appointing Deputies not fit to officiate in their Stead; you are therefore to inſpect ſuch of the ſaid Offices as are in the Province under your Government, and to enquire into the Capacity and Behaviour of the Perſons exerciſing them, and to report thereupon to Our Commiſſioners for Trade and Plantations what you think fit to be done or altered in relation thereto; and you are, upon the Miſbehaviour of any of the ſaid Patentees, or their Deputies, to ſuſpend them from the Execution of their Office till you ſhall have repreſented the whole Matter unto Us, and received Our Directions therein: And in caſe of the Death of any ſuch Deputy, it is Our expreſs Will and Pleaſure

Pleaſure that you take Care that the Perſon appointed to execute the Place until the Patentee can be informed thereof and appoint another Deputy, do give ſufficient Security to the Patentee, or in caſe of Suſpenſion, to the Perſon ſuſpended, to be anſwerable to him for the Profits accruing during ſuch Interval by Death, or during ſuch Suſpenſion, in caſe We ſhall think fit to reſtore the Perſon ſuſpended to his Place again; it is nevertheleſs Our Will and Pleaſure that the Perſon executing the Place during ſuch Interval by Death or Suſpenſion, ſhall for his Encouragement receive the ſame Profits as the Perſon dead or ſuſpended did receive: And it is Our further Will and Pleaſure, that in caſe of a Suſpenſion of a Patentee, the Perſon appointed by you to execute the Office during ſuch Suſpenſion ſhall receive a Moiety of the Profits which would otherwiſe become due to ſuch Patentee, giving Security to ſuch Patentee to be anſwerable to him for the other Moiety, in caſe We ſhall think fit to reſtore him to his Office again: And it is further Our Will and Pleaſure, that you do countenance and give all due Encouragement to all our Patent Officers in the Enjoyment of their legal and accuſtomed Fees, Rights, Privileges, and Emoluments, according to the true Intent and Meaning of their Patents.

25. You ſhall not, by Colour of any Power or Authority hereby or otherwiſe granted, or mentioned to be granted unto you, take upon you to give, grant, or diſpoſe of any Office or Place within Our ſaid Province, which now is, or ſhall be granted under the Great Seal of this Kingdom, or to which any Perſon is or ſhall be appointed by Warrant under Our Signet and Sign Manual, any further than that you may, upon the Vacancy of any ſuch Office or Place, or upon the Suſpenſion of any ſuch Officer by you as aforeſaid, put in any fit Perſon to officiate in the Interval, till you ſhall have repreſented the Matter unto Our Commiſſioners for Trade and Plantations, in order to be laid before Us as aforeſaid (which you are to do by the firſt Opportunity) and till the ſaid Office or Place be diſpoſed of by Us, Our Heirs or Succeſſors, under the Great Seal of this Kingdom, or until ſome Perſon ſhall be appointed thereto by Warrant under Our Signet and Sign Manual, or Our further Directions be given therein.

26. And whereas ſeveral Complaints have been made by the Surveyors General and other Officers of Our Cuſtoms in Our Plantations in America, that they have frequently been obliged to ſerve as Jurors, and Perſonally to appear in Arms whenever the Militia is drawn out, and thereby are much hindered in the Execution of their Employment: Our Will and Pleaſure is, that you take effectual Care, and give the neceſſary Directions, that the ſeveral Officers of our Cuſtoms be excuſed and exempted from ſerving on any Juries, or Perſonally appearing in Arms in the Militia, unleſs in caſe of abſolute Neceſſity, or ſerving any Parochial Offices, which may hinder them in the Execution of their Duty.

27. And whereas the Surveyors General of Our Cuſtoms in the Plantations are impowered, in caſe of the Vacancy of any of our Offices of the Cuſtoms, by Death, Removal, or otherwiſe, to appoint other Perſons to execute ſuch Offices, until they receive Directions from Our Commiſſioners of the Treaſury, or Our High Treaſurer, or Commiſſioners of Our Cuſtoms for the Time being; but in regard the Diſtricts of Our ſaid Surveyors General

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are very extenſive, and that they are required at proper Times to viſit the Officers in the ſeveral Governments under their Inſpection, and that it might happen that ſome of the Officers of Our Cuſtoms in the Province under your Government may die at the Time when the Surveyor General is abſent in ſome diſtant Part of his Diſtrict, ſo that he cannot receive Advice of ſuch Officer's Death within a reaſonable Time, and thereby make Proviſion for carrying on the Service, by appointing ſome other Perſon in the Room of ſuch Officer who may happen to die; therefore, that there may be no Delay given on ſuch Occaſion to the Maſters of Ships or Merchants in their Diſpatches, it is Our further Will and Pleaſure, in caſe of ſuch Abſence of the Surveyor General, or if he ſhould happen to die, and in ſuch Caſes only, that upon the Death of any Collector of Our Cuſtoms within our ſaid Province, you, or in your Abſence Our Lieutenant Governor or Commander in Chief, ſhall make Choice of a Perſon of known Loyalty, Experience, Diligence, and Fidelity, to be employed in ſuch Collector's Room, for the Purpoſes aforeſaid, until the Surveyor General of Our Cuſtoms ſhall be adviſed thereof, and appoint another to ſucceed in ſuch Place; and that further Directions ſhall be given therein by Our Commiſſioners of Our Treaſury, or Our High Treaſurer, or by the Commiſſioners of Our Cuſtoms for the Time being, which ſhall be firſt ſignified, taking Care that you do not, under any Pretence of this Inſtruction, interfere with the Powers and Authorities given by the Commiſſioners of Our Cuſtoms to the ſaid Surveyors General, when they are able to put the ſame in Execution.

28. And whereas We have been ſtipulated by the late Definitive Treaty of Peace, concluded at Paris the 10th Day of February 1763, to grant the Liberty of the Catholic Religion to the Inhabitants of Canada, and that We will conſequently give the moſt preciſe and moſt effectual Orders that Our new Roman Catholic Subjects in that Province may profeſs the Worſhip of their Religion, according to the Rites of the Romiſh Church, as far as the Laws of Great Britain permit; it is therefore Our Will and Pleaſure, that you do, in all Things regarding the ſaid Inhabitants, conform with great Exactneſs to the Stipulations of the ſaid Treaty in this Reſpect.

29. You are, as ſoon as poſſible, to ſummon the Inhabitants to meet together, at ſuch Time or Times, Place or Places, as you ſhall find moſt convenient, in order to take the Oath of Allegiance, and make and ſubſcribe the Declaration of Abjuration mentioned in the aforeſaid Act, paſſed in the Firſt Year of the Reign of King George the Firſt, " for the further Security of His " Majeſty's Perſon and Government, and the Succeſſion of the Crown in the " Heirs of the late Princeſs Sophia, being Proteſtants, and for extinguiſhing the " Hopes of the pretended Prince of Wales, and his open and ſecret Abettors;" which Oath ſhall be adminiſtered to them by ſuch Perſon or Perſons as you ſhall commiſſionate for that Purpoſe; and in caſe any of the ſaid French Inhabitants ſhall refuſe to take the ſaid Oath, and make and ſubſcribe the Declaration of Abjuration as aforeſaid, you are to cauſe them forthwith to depart out of Our ſaid Government.

30. And it is Our further Will and Pleaſure, that all ſuch Inhabitants profeſſing the Religion of the Romiſh Church do at all ſuch Meetings, or at ſuch other Time or Times as you ſhall think proper, and in the Manner

you ſhall think leaſt alarming and inconvenient to the ſaid Inhabitants, deliver in upon Oath an exact Account of all Arms and Ammunition of every Sort in their actual Poſſeſſion, and ſo from Time to Time of what they ſhall receive into their Poſſeſſion as aforeſaid.

31. You are as ſoon as poſſible to tranſmit to Us, by Our Commiſſioners for Trade and Plantations, an exact and particular Account of the Nature and Conſtitution of the ſeveral Religious Communities of the Romiſh Church, their Rights, Claims, Privileges, and Property, and alſo the Number, Situation, and Revenues of the ſeveral Churches heretofore eſtabliſhed in Our ſaid Province, together with the Number of Prieſts or Curates officiating in ſuch Churches.

32. You are not to admit of any Eccleſiaſtical Juriſdiction of the See of Rome, or any other foreign Eccleſiaſtical Juriſdiction whatſoever, in the Province under your Government.

33. And to the End that the Church of England may be eſtabliſhed both in Principles and Practice, and that the ſaid Inhabitants may by Degrees be induced to embrace the Proteſtant Religion, and their Children to be brought up in the Principles of it, We do hereby declare it to be Our Intention, when the ſaid Province ſhall have been accurately ſurveyed, and divided into Townſhips, Diſtricts, Precincts, or Pariſhes, in ſuch Manner as ſhall be hereinafter directed, all poſſible Encouragement ſhall be given to the erecting Proteſtant Schools in the ſaid Diſtrict, Townſhips, and Precincts, by ſettling, appointing, and allotting proper Quantities of Land for that Purpoſe, and alſo for a Glebe and Maintenance for a Proteſtant Miniſter and Proteſtant School Maſter, and you are to conſider and report to Us, by Our Commiſſioners for Trade and Plantations, by what other Means the Proteſtant Religion may be promoted, eſtabliſhed, and encouraged in Our Province under your Government.

34. And you are to take eſpecial Care, that God Almighty be devoutly and duly ſerved throughout your Government, the Book of Common Prayer, as by Law eſtabliſhed, read each Sunday and Holyday, and the bleſſed Sacrament adminiſtered according to the Rites of the Church of England.

35. You are not to prefer any Proteſtant Miniſter to any Eccleſiaſtical Benefice in the Province under your Government, without a Certificate from the Right Reverend Father in God the Lord Biſhop of London, of his being conformable to the Doctrine and Diſcipline of the Church of England, and of a good Life and Converſation; and if any Perſon hereafter preferred to a Benefice ſhall appear to you to give Scandal, either by his Doctrine or Manners, you are to uſe the beſt Means for his Removal.

36. You are to give Orders forthwith that every Orthodox Miniſter within your Government be One of the Veſtry in his reſpective Pariſh, and that no Veſtry be held without him, except in caſe of Sickneſs, or after Notice of a Veſtry ſummoned he omit to come.

37. And to the End that the Eccleſiaſtical Juriſdiction of the Lord Biſhop of London may take Place in Our Province under your Government, as far as conveniently may be, We do think fit that you give all Countenance and Encouragement to the Exerciſe of the ſame, excepting only the collating

ing to Benefices, granting Licences for Marriage, and Probates of Wills, which We have reſerved to you Our Governor, and to the Commander in Chief of Our ſaid Province for the Time being.

38. And We do further direct, that no Schoolmaſter who ſhall arrive in Our ſaid Province from this Kingdom be henceforward permitted to keep School, without the Licence of the ſaid Lord Biſhop; and that no other Perſon now there, or that ſhall come from other Parts, ſhall be admitted to keep School in your Government, without your Licence firſt obtained.

39. And you are to take eſpecial Care that a Table of Marriages, eſtabliſhed by the Canons of the Church of England, be hung up in all Places of public Worſhip, according to the Rites of the Church of England.

40. And it is Our further Will and Pleaſure, that in order to ſuppreſs, as much as in you lies, every Species of Vice and Immorality, you forthwith do cauſe all Laws already made againſt Blaſphemy, Profaneneſs, Adultery, Fornication, Polygamy, Inceſt, Profanation of the Lord's Day, Swearing, and Drunkenneſs, to be vigorouſly put in Execution in every Part of your Government; and that you take due Care for the Puniſhment of theſe, and every other Vice and Immorality, by Preſentment upon Oath, to be made to the Temporal Courts by the Church Wardens of the ſeveral Pariſhes, at proper Times of the Year to be appointed for that Purpoſe; and for the further Diſcouragement of Vice, and Encouragement of Virtue and good Living (that by ſuch Examples the Infidels may be invited and perſuaded to embrace the Chriſtian Religion) you are not to admit any Perſons to public Truſts and Employments in the Province under your Government, whoſe ill Fame and Converſation may occaſion Scandal.

41. And whereas it is ſtipulated by the aforeſaid Treaty, concluded at Paris the 10th Day of February 1763, that the French Inhabitants, or others who have been Subjects of the Moſt Chriſtian King in Canada, may retire with all Freedom and Safety wherever they ſhall think proper, and may ſell their Eſtates, provided it be to Our Subjects, and bring away their Effects as well as their Perſons without being reſtrained in their Emigration under any Pretence whatſoever, except that of Debts, or Criminal Proſecution, and that the Time limited for the Emigration ſhall be fixed to the Space of Eighteen Months, to be computed from the Day of the Exchange of the Ratifications of the Treaty; you are, therefore, in all Things to conform yourſelf to this Stipulation, and to take Care that ſuch of the French Inhabitants as intend to remove within the Time limited be not obſtructed or impeded, provided they do not ſell their Eſtates to others than His Majeſty's Subjects, and that ſo long as they do in all Things conform thereto, in like Manner as Our other Subjects.

42. And it is Our further Will and Pleaſure, that all and every the French Inhabitants in Our ſaid Province, who are now poſſeſſed of Lands within the ſaid Province, in virtue of Grants or Conceſſions made before the ſigning of the Preliminary Articles of Peace, on the 3d Day of November 1762, do, within ſuch limited Time as you in your Diſcretion ſhall think fit, Regiſter the ſeveral Grants, or other Deeds or Titles, by which

which they hold or claim ſuch Lands in the Secretary's Office, which ſaid Grants, Deeds, or other Titles, ſhall be entered at large in the ſaid Office, ſo that the particular Quantity of Land, its Scite and Extent, the Conditions upon which it is granted, either as to Rents, Services, or Cultivation, may appear fully and at length.

43. And in caſe it ſhall appear upon a ſtrict and accurate Examination of the ſaid Grants and Title Deeds, to be taken in ſuch Manner as you ſhall think proper, that any of the Grantees, or Perſons claiming Lands under ſuch Grants and Title Deeds, are in Poſſeſſion of more Land than is contained within ſuch Grants or other Conceſſions, or that the Terms and Conditions upon which the Lands were granted have not been complied with agreeable to what is ſtipulated in ſuch Grants or Conceſſions, it is Our Will and Pleaſure, that you forthwith repreſent the ſame to Us by Our Commiſſioners for Trade and Plantations, to the End you may receive ſuch Directions thereupon as the Nature and Circumſtances of the Caſe ſhall appear to require.

44. And whereas it is neceſſary, in order to the advantageous and effectual Settlement of Our ſaid Province, that the true State of it ſhould be fully known; you are therefore, as ſoon as conveniently may be, to cauſe an accurate Survey to be made of the ſaid Province, by ſuch able and ſkilful Perſon as is or ſhall be appointed for that Service, who is to report to you in Writing, for your Judgment in the Meaſures which you may in general purſue for the making of Settlements, not only the Nature and Quality of the Soil and Climate, the Rivers, Bays, and Harbours, and every other Circumſtance attending the natural State of it, but alſo his Opinion in what Manner it may be moſt conveniently laid out into Counties, and to annex to his Report a Map of ſuch Survey, with the ſeveral Diviſions propoſed marked upon it; but as the making ſuch Survey will be a Work of great Length, you are in the mean Time to carry on Settlements upon that Plan which ſhall appear to you to be moſt expedient from the beſt Information you can collect.

45. And whereas it has been found by Experience that the ſettling Planters in Townſhips hath very much redounded to their Advantage, not only with reſpect to the Aſſiſtance they have been able to afford each other in their civil Concerns, but likewiſe with regard to the Security they have thereby acquired againſt the Inſults and Incurſions of neighbouring Indians, or other Enemies; you are therefore to lay out Townſhips of a convenient Size and Extent in ſuch Places as you in your Diſcretion ſhall judge moſt proper; and it is Our Will and Pleaſure, that each Townſhip do conſiſt of about 20,000 Acres, having as far as may be natural Boundaries extending up into the Country, and comprehending a neceſſary Part of the River St. Lawrence, where it can conveniently be had.

46. You are alſo to cauſe a proper Place, in the moſt convenient Part of each Townſhip, to be marked out for building a Town, ſufficient to contain ſuch a Number of Families as you ſhall judge proper to ſettle there, with Town and Paſture Lots convenient to each Tenement, taking Care that the ſaid Town be laid out upon, or as near as conveniently may be, to ſome navigable River on the Sea Coaſt; and you are alſo to reſerve to Us proper

proper Quantities of Land in each Townſhip for the following Purpoſes; viz. for erecting Fortifications and Barracks where neceſſary, or for other Military or Naval Services, and more particularly for the Growth and Production of Naval Timber, if there are any Wood Lands fit for that Purpoſe.

47. And it is Our further Will and Pleaſure that a particular Spot, in or as near ſuch Town as poſſible, be ſet apart for the building a Church, and Four hundred Acres adjacent thereto allotted for the Maintenance of a Miniſter, and Two hundred for a Schoolmaſter.

48. And you are to give ſtrict Orders to the Surveyors whom you ſhall employ to mark out the ſaid Townſhips and Towns to make Returns to you of their Surveys as ſoon as poſſible, with a particular Deſcription of each Townſhip, and the Nature of the Soil within the ſame.

49. And you are to oblige all ſuch Perſons as ſhall be appointed to be Surveyors of the ſaid Lands in each Townſhip to take an Oath for the due Performance of their Offices, and for obliging them to make exact Surveys of all Lands required to be ſet out.

50. And whereas nothing can more effectually tend to the ſpeedy ſettling Our ſaid Colony, the Security of the Property of Our Subjects, and the Advancement of Our Revenue, than the diſpoſing of ſuch Lands as are Our Property upon reaſonable Terms, and the eſtabliſhing a regular and proper Method of proceeding with reſpect to the paſſing of Grants of ſuch Land: It is therefore Our Will and Pleaſure, that all and every Perſon and Perſons who ſhall apply to you for any Grant or Grants of Land ſhall, previous to their obtaining the ſame, make it appear before you in Council that they are in Condition to cultivate and improve the ſame, by ſettling thereon, in Proportion to the Quantity of Acres deſired, a ſufficient Number of White Perſons and Negroes; and in caſe you ſhall, upon a Conſideration of the Circumſtances of the Perſon or Perſons ſo applying for ſuch Grants, think it adviſeable to paſs the ſame, in ſuch Caſe you are to cauſe a Warrant to be drawn up, directed to the Surveyor General or other proper Officers, impowering him or them to make a faithful and exact Survey of the Lands ſo petitioned for, and to return the ſaid Warrant, within Six Months at fartheſt from the Date thereof, with a Plot or Deſcription of the Lands ſo ſurveyed thereunto annexed; provided that you do take Care, that before any ſuch Warrant is iſſued as aforeſaid, a Docquet thereof be entered into the Auditor's and Regiſter's Office; and when the Warrant ſhall be returned by the ſaid Surveyor or other proper Officer, the Grant ſhall be made out in due Form, and the Terms and Conditions required by theſe Our Inſtructions be particularly and expreſsly mentioned in the reſpective Grants: And it is Our Will and Pleaſure that the ſaid Grants ſhall be regiſtered within Six Months from the Date thereof, in the Regiſter's Office there, and a Docquet thereof be alſo entered in Our Auditor's Office there, in caſe ſuch Eſtabliſhment ſhall take Place in Our ſaid Province, or that in Default thereof ſuch Grant ſhall be void, Copies of all which Entries ſhall be returned regularly by the proper Officer to Our Commiſſioners of Our Treaſury, and

to Our Commiſſioners for Trade and Plantations, within Six Months from the Date thereof.

51. And whereas great Inconveniences have ariſen in many of Our Colonies in America, from the granting exceſſive Quantities of Land to particular Perſons, who have never cultivated or ſettled it, and have thereby prevented others more induſtrious from improving the ſame: In order therefore to prevent the like Inconveniences for the future, you are to take eſpecial Care that in all Grants to be made by you, by and with the Advice and Conſent of Our Council, to Perſons applying for the ſame, the Quantity be in Proportion to their Ability to cultivate; and you are hereby directed to obſerve the following Directions and Regulations in all Grants to be made by you; viz.

That One hundred Acres of the Land be granted to every Perſon being Maſter or Miſtreſs of a Family, for himſelf or herſelf, and Fifty Acres for every White or Black Man, Woman, or Child, of which ſuch Perſon's Family ſhall conſiſt, at the actual Time of making the Grant; and in caſe any Perſon applying to you for Grants of Land ſhall be deſirous of taking up a larger Quantity than the actual Number of Perſons in his or her Family would entitle ſuch Perſons to take up, it is Our Will and Pleaſure, and you are hereby allowed and permitted to grant unto every ſuch Perſon or Perſons ſuch further Quantity of Land as they may deſire, not exceeding 1000 Acres, over and above what they are entitled to by the Number of Perſons in their reſpective Families, provided it ſhall appear to you that they are in a Condition and Intention to cultivate the ſame, and provided alſo that they do pay to the Receiver of Our Quit Rents, or to ſuch other Officer as ſhall be appointed to receive the ſame, the Sum of Five Shillings only for every Fifty Acres ſo granted, on the Day of the Date of the Grant.

That all Grantees be ſubject to the Payment of Two Shillings Sterling for every hundred Acres, to commence at the Expiration of Two Years from the Date of ſuch Grant, and to be paid Yearly and every Year, or in Default of ſuch Payment the Grant to be void.

That every Grantee, upon giving Proof that he or ſhe has fulfilled the Terms and Conditions of his or her Grants, ſhall be entitled to another Grant, in the Proportion and upon the Conditions above mentioned.

That for every Fifty Acres of Land accounted plantable each Patentee ſhall be obliged, within Three Years after the Date of his Patent, to clear and work Three Acres at the leaſt, in that Part of his Tract which he ſhall judge moſt convenient and advantageous, or elſe to clear and drain Three Acres of Swampy or Sunken Grounds, or drain Three Acres of Marſh, if any ſuch be within the Grounds of his Grant.

That for every Fifty Acres of Land accounted barren every Patentee ſhall be obliged to put and keep on his Land, within Three Years after the Date of his Grant, Three Neat Cattle, which Number he ſhall be obliged to continue on his Land until Three Acres for every Fifty be fully cleared and improved.

That if any Perſon ſhall take up a Tract of Land wherein there ſhall be no Part fit for preſent Cultivation, without manuring and improving the ſame, every ſuch Grantee ſhall be obliged, within Three Years from the Date of his Grant, to erect on ſome Part of his Land One good Dwelling Houſe,

Houſe, to contain at leaſt Twenty Feet in Length, and Sixteen Feet in Breadth; and alſo to put on his Land the like Number of Three Neat Cattle for every Fifty Acres.

That if any Perſon who ſhall take up any ſtony or rocky Grounds, not fit for planting or Paſture, ſhall within Three Years after the paſſing of his Grant begin to employ thereon, and ſo continue to work for Three Years then next enſuing, in digging any Stone Quarry or other Mine, One good and able Hand for every Hundred Acres of ſuch Tract, it ſhall be accounted a ſufficient Cultivation and Improvement.

That every Three Acres which ſhall be cleared and worked as aforeſaid, and every Three Acres which ſhall be cleared and drained as aforeſaid, ſhall be accounted a ſufficient Seating, Planting, Cultivation, and Improvement, to ſave for ever from Forfeiture Fifty Acres of Land in any Part of the Tract contained within the ſame Patent, and the Patentee ſhall be at Liberty to withdraw his Stock, or to forbear working in any Quarry or Mine, in Proportion to ſuch Cultivation and Improvement as ſhall be made upon the plantable Lands, or upon the Swamps, Sunken Grounds, and Marſhes, which ſhall be included in the ſame Patent.

That when any Perſon, who ſhall hereafter take up and patent any Lands, ſhall have ſeated, planted, and cultivated, or improved the ſaid Land, or any Part of it, according to the Directions and Conditions above mentioned, ſuch Patentee may make Proof of ſuch Seating, Planting, Cultivation, and Improvement in the general Court of the County, District, or Precinct where ſuch Lands ſhall lie, and have ſuch Proof certified to the Regiſter's Office, and there entered with the Record of the ſaid Patent, a Copy of which ſhall be admitted on any Trial to prove the Seating and Planting of ſuch Land.

And laſtly, in order to aſcertain the true Quantity of plantable and barren Land contained in each Grant hereafter to be made, within Our ſaid Province, you are to take eſpecial Care that in all Surveys hereafter to be made every Surveyor be required and enjoined to take particular Notice, according to the beſt of his Judgment and Underſtanding, how much of the Land ſo ſurveyed is plantable, and how much of it is barren and unfit for Cultivation, and accordingly to inſert in the Survey and Plot by him to be returned into the Regiſter's Office the true Quantity of each Kind of Land.

12. And it is Our further Will and Pleaſure, that in all Grants of Land to be made by you as aforeſaid, Regard be had to the profitable and unprofitable Acres, ſo that each Grantee may have a proportionable Number of One Sort and the other, as likewiſe that the Breadth of each Tract of Land to be hereafter granted be One Third of the Length of ſuch Tract; and that the Length of each Tract do not extend along the Banks of any River, but into the Main Land, that thereby the ſaid Grantees may have each a convenient Share of what Accommodation the ſaid River may afford for Navigation or otherwiſe.

13. And whereas it hath been repreſented to Us, that many Parts of the Province under your Government are particularly adapted to the Growth and Culture of Hemp and Flax; it is therefore Our Will and Pleaſure, that in all Surveys of Land for Settlement the Surveyor be directed to report whether there is any, or what Quantity of Lands contained within ſuch Sur-

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vey fit for the Production of Hemp and Flax; and you are to take particular Care to inſert a Clauſe in every Grant of Land where any Part thereof is fit for ſuch Production, obliging the Grantee Annually to ſow a proportionable Part of his Grant with Hemp and Flax Seed.

54. And whereas it has been further repreſented to Us, that a great Part of the Country in the Neighbourhood of Lake Champlain, and between that Lake and the River St. Lawrence, abounds with Woods, producing Trees fit for Maſting for Our Royal Navy, and other uſeful and neceſſary Timber for Naval Conſtruction, you are therefore expreſsly directed and required to cauſe ſuch Parts of the ſaid Country, or any other within your Government that ſhall appear upon a Survey to abound with ſuch Trees, and ſhall lie convenient for Water Carriage, to be reſerved to Us, and to uſe your utmoſt Endeavour to prevent any Waſte being committed upon the ſaid Tracts, by puniſhing in due Courſe of Law any Perſons who ſhall cut down or deſtroy any Trees growing thereon; and you are to conſider and adviſe with Our Council, whether ſome Regulation that ſhall prevent any Saw Mills whatever from being erected within your Government, without a Licence from you, or the Commander in Chief of Our ſaid Province for the Time being, may not be a Means of preventing all Waſte and Deſtruction in ſuch Tracts of Land as ſhall be reſerved to Us for the Purpoſes aforeſaid.

55. And whereas it appears from the Repreſentations of Our Governor of the Diſtrict of Trois Rivieres, that the Iron Works at St. Maurice in that Diſtrict are of great Conſequence to Our Service; it is therefore Our further Will and Pleaſure that no Part of the Lands upon which the ſaid Iron Works were carried on, or from which the Ore uſed in ſuch Works was procured, or which ſhall appear to be neceſſary and convenient for that Eſtabliſhment, either in reſpect to a free Paſſage to the River St. Lawrence, or for producing a neceſſary Supply of Wood, Corn, and Hay, or for Paſture for Cattle, be granted to any private Perſon whatever, and alſo that as large a Diſtrict of Land as conveniently may be, adjacent to and lying round the ſaid Iron Works, over and above what may be neceſſary for the above Purpoſes, be reſerved for Our Uſe, to be diſpoſed of in ſuch Manner as We ſhall hereafter direct and appoint.

56. And whereas it is neceſſary that all Perſons who may be deſirous of ſettling in Our ſaid Province ſhould be fully informed of the Terms and Conditions upon which Lands will be granted in our ſaid Province, you are therefore as ſoon as poſſible to cauſe a Publication to be made, by Proclamation or otherwiſe, as you in your Diſcretion ſhall think moſt adviſeable of all and every the foregoing Terms, Conditions, and Regulations of every Kind, reſpecting the Grants of Land; in which Proclamation it may be expedient to add ſome ſhort Deſcription of the natural Advantages of the Soil and Climate, and its peculiar Conveniences for Trade and Navigation, and you are to take ſuch Steps as you ſhall think proper for the publiſhing ſuch Proclamation in all the Colonies in North America.

57. And it is Our further Will and Pleaſure, that all the foregoing Inſtructions to you, as well as any which you may hereafter receive relative to the Form and Method of paſſing Grants of Land, and the Terms and Conditions

tions to be annexed to ſuch Grants themſelves, for the Information and Satisfaction of all Parties whatever that may be concerned therein.

58. And it is Our further Will and Pleaſure, that you do conſider of a proper and effectual Method of collecting, receiving, and accounting for Our Quit Rents, whereby all Frauds, Concealment, Irregularity, or Neglect therein, may be prevented, and whereby the Receipt thereof may be effectually checked and controlled; and if it ſhall appear neceſſary to paſs an Act for the more effectually aſcertaining, and the more ſpeedily and regularly collecting Our Quit Rents, you are to prepare the Heads of ſuch a Bill as you ſhall think may moſt effectually conduce to the procuring the good Ends propoſed, and to tranſmit the ſame to Our Commiſſioners for Trade and Plantations, in order to be laid before Us for Our further Directions therein.

59. And it is Our further Will and Pleaſure, that the Surveyor General, or ſuch other Perſon or Perſons as you ſhall think proper to appoint, do, Once in every Year, or oftener, as Occaſion ſhall require, inſpect the State of all Grants of Land made by you, and make Report thereof to you in Writing, ſpecifying whether the Conditions therein contained have or have not been complied with, or what Progreſs has been made towards fulfilling the ſame; and you are Annually to tranſmit Copies of ſuch Reports to Our Commiſſioners for Trade and Plantations.

60. And whereas Our Province of Quebec is in Part inhabited and poſſeſſed by ſeveral Nations and Tribes of Indians, with whom it is both neceſſary and expedient to cultivate and maintain a ſtrict Friendſhip and good Correſpondence, ſo that they may be induced by Degrees not only to be good Neighbours to our Subjects, but likewiſe themſelves to become good Subjects to Us; you are therefore, as ſoon as you conveniently can, to appoint a proper Perſon to aſſemble and treat with the ſaid Indians, promiſing and aſſuring them of Protection and Friendſhip on Our Part, and delivering them ſuch Preſents as ſhall be ſent to you for that Purpoſe.

61. And you are to inform yourſelf with the greateſt Exactneſs of the Number, Nature, and Diſpoſition of the ſeveral Bodies or Tribes of Indians, of the Manner of their Lives, and the Rules and Conſtitutions by which they are governed or regulated; and you are upon no Account to moleſt or diſturb them in the Poſſeſſion of ſuch Parts of the ſaid Province as they at preſent occupy or poſſeſs, but to uſe the beſt Means you can for conciliating their Affections, and uniting them to Our Government, reporting to Us, by Our Commiſſioners for Trade and Plantations, whatever Information you can collect with reſpect to theſe People, and the Whole of your Proceeding with them.

62. Whereas We have, by Our Proclamation, dated the 7th Day of October, in the Third Year of Our Reign, ſtrictly forbid, on Pain of Our Diſpleaſure, all Our Subjects from making any Purchaſes or Settlements whatever, or taking Poſſeſſion of any of the Lands reſerved to the ſeveral Nations of Indians with whom We are connected, and who live under Our Protection, without Our eſpecial Leave for that Purpoſe firſt obtained; it is Our expreſs Will and Pleaſure, that you take the moſt effectual Care that Our Royal Directions herein be punctually complied with, and that the Trade with ſuch of the ſaid Indians as depend upon your Government be carried

on in the Manner and under the Regulations preſcribed in Our ſaid Proclamation.

63. You are to uſe your beſt Endeavours in improving the Trade in thoſe Parts, by ſettling ſuch Orders and Regulations therein, with the Advice of Our ſaid Council, as may be moſt acceptable to the Generality of the Inhabitants; and it is Our expreſs Will and Pleaſure that you do not, upon any Pretence whatever, upon Pain of Our higheſt Diſpleaſure, give your Aſſent to any Law or Laws for ſetting up any Manufactures, and carrying on any Trades which are hurtful and prejudicial to this Kingdom, and that you do uſe your utmoſt Endeavour to diſcourage, diſcountenance, and reſtrain any Attempts which may be made to ſet up ſuch Manufactures, or eſtabliſh any ſuch Trades.

64. Whereas, by the 5th and 6th Articles of the Treaty of Peace and Neutrality in America, concluded between England and France the 6-16th Day of November 1686, the Subjects and Inhabitants of each Kingdom are prohibited to trade and fiſh in all Places poſſeſſed, or which ſhall be poſſeſſed by the others in America; and if any Ships ſhall be found trading contrary to the ſaid Treaty, upon due Proofs the ſaid Ships ſhall be confiſcated; but in caſe the Subjects of either King ſhall be forced by Streſs of Weather, Enemies, or other Neceſſity, into the Ports of the other in America, they ſhall be treated with Humanity and Kindneſs, and may provide themſelves with Victuals and other Things neceſſary for their Suſtenance, and the Reparation of their Ships, at reaſonable Rates, provided they do not break Bulk, nor carry any Goods out of their Ships, expoſing them to Sale, nor receive any Merchandize on Board, under Penalty of Confiſcation of Ship and Goods: It is therefore Our Will and Pleaſure, that you ſignify to Our Subjects under your Government the Purport and Intent of the aboveſaid Two Articles; and that you take particular Care that none of the French Subjects be allowed to trade from their ſaid Settlements to the Province under your Government, or to fiſh upon the Coaſt thereof.

65. And it is Our Will and Pleaſure, that you do not diſpoſe of any Forfeitures or Eſcheats to any Perſon until the Sheriff or other proper Officer have made Enquiry by a Jury, upon their Oaths, into the true Value thereof, nor until you have tranſmitted to Our Commiſſioners of Our Treaſury, and to Our Commiſſioners for Trade and Plantations, a particular Account of ſuch Forfeitures and Eſcheats, and the Value thereof: And you are to take Care that the Produce of ſuch Forfeitures and Eſcheats, in caſe We ſhall think proper to give you Directions to diſpoſe of the ſame, be duly paid to Our Treaſurer or Receiver General of Our ſaid Province, and a full Account tranſmitted to Our Commiſſioners of Our Treaſury, or Our High Treaſurer for the Time being, and to Our Commiſſioners for Trade and Plantations, with the Names of the Perſons to whom diſpoſed.

66. And whereas Commiſſions have been granted unto ſeveral Perſons in Our reſpective Plantations in America for the trying of Pirates in thoſe Parts, purſuant to the Acts for the more effectual Suppreſſion of Piracy; and by a Commiſſion already ſent to Our Province of New York, Our Governor

Governor there is impowered, together with Orders therein mentioned, to proceed accordingly in Reference to Our ſaid Province; Our Will and Pleaſure is, that you do uſe your beſt Endeavours to apprehend all Perſons whatever who may have been guilty of Piracy within your Government, or who, having committed ſuch Crimes at other Places, may come within your Juriſdiction, and until We ſhall think proper to direct the like Commiſſion to be eſtabliſhed for Our Government of Quebec, you are to ſend ſuch Pirates, with what Proofs of their Guilt you can procure or collect, to Our Governor of New York, to be tried and puniſhed under the Authority of the Commiſſion eſtabliſhed for thoſe Parts.

67. And whereas you will receive from Our Commiſſioners for executing the Office of High Admiral of Great Britain and of Our Plantations, a Commiſſion, conſtituting you Vice Admiral of Our ſaid Province, you are hereby required and directed carefully to put into Execution the ſeveral Powers thereby granted to you.

68. Whereas great Inconvenience has happened heretofore by Merchant Ships and other Veſſels in the Plantations wearing the Colours borne by Our Ships of War, under Pretence of Commiſſions granted to them by the Governors of the ſaid Plantations, and by trading under thoſe Colours, not only amongſt Our own Subjects, but alſo thoſe of other Princes and States, and committing divers Irregularities, they may very much diſhonour Our Service; for preventing thereof, you are to oblige the Commanders of all ſuch Ships to which you ſhall grant Commiſſions, to wear no other Colours than ſuch as are deſcribed in an Order of Council of the 7th of January 1730, in relation to Colours to be worn by all Ships and Veſſels except Our Ships of War.

69. And whereas there have been great Irregularities in the Manner of granting Commiſſions in the Plantations to private Ships of War, you are to govern yourſelf, whenever there ſhall be Occaſion, according to the Commiſſions and Inſtructions granted in this Kingdom; but you are not to grant Commiſſions of Marque or Reprizal againſt any Prince or State, or their Subjects, in Amity with Us, to any Perſon whatſoever, without Our ſpecial Command.

70. Whereas We have been informed that, during the Time of War, Our Enemies have frequently got Intelligence of the State of Our Plantations, by Letters from private Perſons to their Correſpondents in Great Britain, taken on Board Ships coming from the Plantations, which has been of dangerous Conſequence; Our Will and Pleaſure, therefore, is, that you ſignify to all Merchants, Planters, and others, that they be very cautious in Time of War whenever that ſhall happen, in giving an Account by Letters of the public State and Condition of Our Province under your Government; and you are further to give Directions to all Maſters of Ships, or other Perſons to whom you may entruſt your Letters, that they put ſuch Letters into a Bag, with a ſufficient Weight to ſink the ſame immediately, in caſe of imminent Danger from the Enemy; and you are alſo to let the Merchants and Planters know how greatly it is for their Intereſt that their Letters ſhould not fall into the Hands of the Enemy,

Enemy, and therefore that they ſhould give like Orders to Maſters of Ships in relation to their Letters; and you are further to adviſe all Maſters of Ships, that they do ſink all Letters in caſe of Danger, in the Manner before mentioned.

71. And whereas in Time of War the Merchants and Planters in Our Plantations in America did correſpond and trade with Our Enemies, and carry Intelligence to them, to the great Prejudice and Hazard of Our ſaid Plantations, you are therefore, by all poſſible Methods, to endeavour to hinder ſuch Trade and Correſpondence in Time of War.

72. And you are to report to Us, by Our Commiſſioners for Trade and Plantations,

What is the Nature of the Soil and Climate of the Province under your Government? if it differs in theſe Circumſtances from Our other Northern Colonies; in what that Difference conſiſts? and what beneficial Articles of Commerce the different Parts of it are capable of producing?

What Rivers there are, and of what Extent and Convenience to the Planters?

What are the principal Harbours, how ſituated, of what Extent, and what is the Depth of Water, and Nature of the Anchorage in each of them?

What Quantity of Land is now under actual Improvement and Settlement?

What are the chief Articles of Produce and Culture; the Annual Amount of the Quantity of each; and upon what Terms and Conditions the Inhabitants hold their Lands, either of Cultivation, Rent, or Perſonal Service?

What is the Quantity, Nature, and Property of the Land uncultivated; how much of it is capable of Culture; and what Part thereof is private Property?

What is the Number of Inhabitants, Whites and Blacks, diſtinguiſhing each? What Number of the former is capable of bearing Arms, and what Number of the latter is Annually neceſſary to be ſupplied, in Proportion to the Land cultivated?

What was the Nature, Form, and Conſtitution of the Civil Government; what Judicatures were there eſtabliſhed; and under what Regulations did the French Inhabitants carry on their Commerce?

73. You are from Time to Time to ſend unto Us, by Our Commiſſioners for Trade and Plantations as aforeſaid, an Account of the Increaſe and Decreaſe of the Inhabitants, Whites and Blacks; and alſo an Account of all Perſons born, chriſtened, and buried.

74. Whereas it is abſolutely neceſſary that We be exactly informed of the State of Defence of all Our Plantations in America, as well in relation to the Stores of War that are in each Plantation, as to the Forts and Fortifications there, and what more may be neceſſary to be built for the Defence and Security of the ſame; you are as ſoon as poſſible to prepare an Account thereof with relation to Our ſaid Province, in the moſt particular Manner; and you are therein to expreſs the preſent State of the Arms, Ammunition,

Ammunition, and other Stores of War belonging to the ſaid Province, either in public Magazines, or in the Hands of private Perſons, together with the State of all Places, either already fortified, or that you judge neceſſary to be fortified for the Security of Our ſaid Province; and you are to tranſmit the ſaid Ac nts to Our Commiſſioners for Trade and Plantations, as alſo a Duplica thereof to Our Maſter General or principal Officers of Our Ordnance; which Accounts are to expreſs the Particulars of Ordnance, Carriages, Balls, Powder, and other Sorts of Arms and Ammunition, in Our Public Stores; and ſo from Time to Time, of what ſhall be ſent you, or bought with the Public Money, and to ſpecify the Time of the Diſpoſal, and the Occaſion thereof; and you are Half-yearly to tranſmit a general Account of the State of the Fortifications and Warlike Stores ſpecified in the Manner above mentioned.

75. You are from Time to Time to give an Account what Strength your Neighbours have by Sea and Land, and of the Condition of their Plantations; and what Correſpondence you keep with them.

76. And in caſe of any Diſtreſs of any other of Our Plantations, you ſhall, upon Application of the reſpective Governors thereof unto you, aſſiſt them with what Aid the Condition and Safety of Our Province under your Government can ſpare.

77. If any Thing ſhall happen which may be of Advantage or Security to Our Province under your Government, which is not herein or by your Commiſſion provided for, We do hereby allow unto you, with the Advice and Conſent of Our Council, to take Order for the preſent therein; giving unto Our Commiſſioners for Trade and Plantations ſpeedy Notice thereof, in order to be laid before Us, that you may receive Our Ratification if We ſhall approve the ſame: Provided always, that you do not, by Colour of any Power or Authority hereby given you, commence or declare War, without Our Knowledge and particular Commands therein.

78. And whereas We have, by the Second Article of theſe Our Inſtructions to you, directed and appointed that your chief Reſidence ſhall be at Quebec; you are nevertheleſs frequently to viſit the other Parts of your Government, in order to inſpect the Management of all Public Affairs, and thereby the better to take Care that the Government be ſo adminiſtered, that no diſorderly Practices may grow up contrary to Our Service, and the Welfare of Our Subjects.

79. And whereas great Prejudice may happen to Our Service and the Security of Our Province, by your Abſence from thoſe Parts, you are not, upon any Pretence whatſoever, to come into Europe, without having firſt obtained Leave for ſo doing from Us, under Our Sign Manual and Signet, or by Our Order in Our Privy Council; yet nevertheleſs, in caſe of Sickneſs, you may go to South Carolina, or any other of Our Southern Plantations, and there ſtay for ſuch Space of Time as the Recovery of your Health may abſolutely require.

80. And whereas We have thought fit by Our Commiſſion to direct, that in caſe of your Death or Abſence, and the Death or Abſence of Our

Lieutenant Governors of Montreal and Trois Rivieres, and in caſe there be at that Time no Perſon within Our ſaid Province commiſſionated or appointed by Us to be Commander in Chief, that the eldeſt Councillor who ſhall be at the Time of your Death or Abſence, or at the Death or Abſence of Our Lieutenant Governors as aforeſaid, reſiding within Our ſaid Province under your Government, ſhall take upon him the Adminiſtration of Government, and execute Our ſaid Commiſſion and Inſtructions, and the ſeveral Powers and Authorities therein directed: It is nevertheleſs Our expreſs Will and Pleaſure, that in ſuch Caſe the ſaid Preſident ſhall forbear to paſs any Act or Acts, but what are immediately neceſſary for the Peace and Welfare of the ſaid Province, without Our particular Order for that Purpoſe; and that he ſhall not remove or ſuſpend any of the Members of Our Council, nor any Judges, Juſtices of the Peace, or other Officers, Civil or Military, without the Advice and Conſent of at leaſt Seven of the Members of Our ſaid Council, nor even then without good and ſufficient Reaſons for the ſame, which the ſaid Preſident is to tranſmit, ſigned by himſelf and the reſt of the ſaid Council, to Our Commiſſioners for Trade and Plantations, by the Firſt Opportunity, in order to be laid before Us.

81. And whereas We are willing in the beſt Manner to provide for the Support of the Government of Our Province aforeſaid, of which you are Governor, by ſetting apart ſufficient Allowances to ſuch as ſhall be Our Governor or Commander in Chief reſiding for the Time being within the ſame; Our Will and Pleaſure is, that when it ſhall happen that you are abſent from Our ſaid Province, One full Moiety of the Salary, and all Perquiſites and Emoluments whatſoever, which would otherwiſe become due unto you, ſhall, during the Time of your Abſence, be paid and ſatisfied unto Our Commander in Chief, who ſhall be reſident within Our ſaid Province for the Time being, which we do hereby order and allot unto him for his Maintenance, and for the better Support of the Dignity of that Our Government.

82. And you are upon all Occaſions to ſend unto Our Commiſſioners for Trade and Plantations only a particular Account of all your Proceedings, and of the Condition of Affairs within your Government, in order to be laid before Us: Provided nevertheleſs, whenever any Occurrences ſhall happen within your Government, of ſuch a Nature and Importance as may require Our more immediate Directions, by One of Our principal Secretaries of State, and alſo upon all Occaſions, and in all Affairs wherein you may receive Our Orders by One of Our principal Secretraries of State, you ſhall, in all ſuch Caſes, tranſmit to our Secretary of State only, an Account of all ſuch Occurrences, and of your Proceedings relative to ſuch Orders.

G. R.

COPY

COPY of the 48th and 49th Articles of his late Majesty's Instructions to Charles Lawrence, Esquire, Governor of the Province of Nova Scotia.

48. OUR Will and Pleasure is, that you or the Commander in Chief of Our said Colony for the Time being, do in all Civil Causes, on Application made to the Commander in Chief for the Time being for that Purpose, permit and allow Appeals from any of the Courts of Common Law, in Our said Colony unto you or the Commander in Chief, and to the Council of Our said Colony; and you are for that Purpose to cause a Writ in the Manner which has been usually accustomed, returnable before yourself and the Council of Our said Colony, who are to proceed to hear and determine such Appeal, wherein such of Our said Council as shall be at that Time Judges of the Court from whence such Appeal shall be made to you Our Captain General, or to the Commander in Chief for the Time being, and to Our said Council as aforesaid, shall not be admitted to vote upon the said Appeal, but they may nevertheless be present at the hearing thereof, to give the Reasons of the Judgment given by them in the Causes wherein such Appeals shall be made: Provided nevertheless, that in all such Appeals the Sum or Value appealed for do exceed the Sum of Three hundred Pounds Sterling, and that Security be first given by the Appellant to answer such Charges as shall be awarded in case the First Sentence be affirmed; and if either Party shall not rest satisfied with the Judgment of you, or the Commander in Chief for the Time being, and Council as aforesaid, Our Will and Pleasure is, that they may then appeal unto Us in Our Privy Council, provided the Sum or Value so appealed for unto Us exceed Five hundred Pounds Sterling, and that such Appeal be made within Fourteen Days after Sentence, and good Security given by the Appellant, that he will effectually prosecute the same, and answer the Condemnation, as also pay such Costs and Damages as shall be awarded by Us, in case the Sentence of you, or the Commander in Chief for the Time being, and Council, be affirmed: Provided nevertheless, where the Matter in Question relates to the taking or demanding any Duty payable to Us, or to any Fee of Office, or Annual Rent, or other such like Matter or Thing, where the Right in future may be bound, in all such Cases you are to admit an Appeal to Us in Our Privy Council, though the immediate Sum or Value appealed for be of less Value; and it is Our further Will and Pleasure, that in all Cases where by your Instructions you are to admit Appeals to Us in Our Privy Council, Execution be suspended until the final Determination of such Appeals, unless good and sufficient Security be given by the Appellee to make ample Restitution of all that the Appellant shall have lost by Means of such Judgment or Decree, in case, upon the Determination of such Appeal, such Appeal or Judgment should be reversed, and the Restitution awarded to the Appellant.

49. You are also to permit Appeals unto Us, in Our Privy Council, in all Cases of Fines imposed for Misdemeanors; provided the Fines so imposed amount to or exceed the Value of One hundred Pounds Sterling, the Appellant

Appellant firſt giving good Security that he will effectually proſecute th
ſame, and anſwer the Condemnation, if the Sentence by which ſuch Fin
were impoſed ſhall be confirmed.

N° 6.

COPY of Inſtructions to Guy Carleton, Eſquire, Captain G
neral and Governor in Chief in and over the Province o
Quebec in America, and of all the Territories depende
thereupon. Dated St. James's, 3d January, 1775.

GEORGE R.

(L. S.) INSTRUCTIONS to Our Truſty and Well-belove
Guy Carleton, Eſq. Our Captain General and Governo
in Chief in and over Our Province of Quebec, i
America, and of all Our Territories dependent thereupo
Given at Our Court at St. James's, the 3d Day of Ja
nuary, 1775, in the Fifteenth Year of Our Reign.

1. WITH theſe Our Inſtructions you will receive Our Commiſſio
under Our Great Seal of Great Britain, conſtituting you Ou
Captain General and Governor in Chief in and over Our Province o
Quebec, in America, and all Our Territories thereunto belonging, as th
ſaid Province and Territories are bounded and deſcribed in and by the ſai
Commiſſion; you are therefore to take upon you the Execution of th
Office and Truſt We have repoſed in you, and the Adminiſtration of th
Government, and to do and execute all Things in due Manner that ſha
belong to your Command, according to the ſeveral Powers and Authori
ties of Our ſaid Commiſſion under Our Great Seal of Great Britain, an
theſe Our Inſtructions to you, or according to ſuch further Powers an
Inſtructions as ſhall at any Time hereafter be granted, appointed unde
Our Signet or Sign Manual, or by Our Order in Our Privy Council; an
you are to call together at Quebec (which We do hereby appoint to b
the Place of your ordinary Reſidence, and the principal Seat of Govern
ment) the following Perſons, whom We do hereby, with the Advice o
Our Privy Council, conſtitute and appoint to be Our Council for the A
fairs of Our ſaid Province of Quebec, and the Territories thereunto be
longing, viz. Hector Theophilus Cramartié, Eſquire, Our Lieutenant Go
vernor of Our ſaid Province, or Our Lieutenant Governor of Our ſaid Pro
vince for the Time being, Our Chief Juſtice of Our Province for the
Time being, Hugh Finlay, Thomas Dunn, James Cuthbert, Colin
Drummond, Francis Les Veſques, Edward Harriſon, John Collins,
Adam Mabean, De Lacy, St. Ours, Pica
dyde, Contrecœur, Our Secretary of Our ſaid Pro
vince

vince for the Time being, George Alſopp, De la Naudiſe, La Corne St. Luc, Alexander Johnſtone, Conrad Gugy, Belleſtres Rigauville, and John Fraſer, Eſquires, all and every of which Perſon and Perſons ſhall hold and enjoy his and their Office and Offices of Councillor or Councillors for Our ſaid Province of Quebec for and during Our Will and Pleaſure, and his or their Reſidence within Our ſaid Province, and not otherwiſe.

2. It is Our further Will and Pleaſure, that any Five of the ſaid Council ſhall conſtitute a Board of Council for tranſacting all Buſineſs in which their Advice and Conſent may be requiſite, Acts of Legiſlation only excepted (in which Caſe you are not to act without a Majority of the Whole): And it is Our further Will and Pleaſure, that the Members of Our ſaid Council ſhall have and enjoy all the Powers, Privileges, and Emoluments enjoyed by the Members of Our Councils in Our other Plantations, and alſo ſuch others as are contained and directed in Our ſaid Commiſſion under Our Great Seal of Great Britain, and in theſe Our Inſtructions to you; and that they ſhall meet together at ſuch Time and Times, Place and Places, as you in your Diſcretion ſhall think neceſſary, except when they meet for the Purpoſe of Legiſlation, in which Caſe they are to be aſſembled at the Town of Quebec only.

3. And you are with all due and uſual Solemnity to cauſe Our ſaid Commiſſion to be read and publiſhed at the ſaid Meeting of Our Council, which being done, you ſhall then take and alſo adminiſter to each of the Members of our ſaid Council (not being a Canadian, profeſſing the Religion of the Church of Rome) the Oaths mentioned in an Act, paſſed in the Firſt Year of the Reign of his Majeſty King George the Firſt, intituled, "An Act for the further Security of His Majeſty's Perſon and Government, and the Succeſſion of the Crown in the Heirs of the late Princeſs Sophia, being Proteſtants, and for extinguiſhing the Hopes of the pretended Prince of Wales, and his open and ſecret Abettors," as altered and explained by an Act, paſſed in the Sixth Year of Our Reign, intituled, "An Act for altering the Oath of the Abjuration, and the Aſſurance, and for amending ſo much of an Act of the Seventh Year of her late Majeſty Queen Anne, intituled, An Act for the Improvement of the Union of the Two Kingdoms, as after the Time therein limited requires the Delivery of certain Liſts and Copies therein mentioned to Perſons indicted of High Treaſon, or Miſpriſion of Treaſon," as alſo make and ſubſcribe, and cauſe them to make and ſubſcribe, the Declaration mentioned in an Act of Parliament, made in the Twenty-fifth Year of the Reign of King Charles the Second, intituled, "An Act for preventing Dangers which may happen from Popiſh Recuſants:" And you, and every one of them, are likewiſe to take an Oath for the due Execution of your and their Places and Truſts, with regard to your and their equal and impartial Adminiſtration of Juſtice; and you are alſo to take the Oath required by an Act, paſſed in the Seventh and Eighth Years of the Reign of King William the Third, to be taken by Governors of Plantations to do their utmoſt that the Laws relating to the Plantations be obſerved.

4. And whereas by an Act, paſſed in the Fourteenth Year of Our Reign, intituled, "An Act for making more effectual Proviſion for the Government of the Province of Quebec in North America," it is enacted

and provided, that no Perſon profeſſing the Religion of the Church of Rome, and reſiding in the ſaid Province, ſhall be obliged to take the Oath of Supremacy required by an Act, paſſed in the Firſt Year of the Reign of Queen Elizabeth, or any other Oaths ſubſtituted by any other Act in the Place thereof, but that every ſuch Perſon, who, by the ſaid Statute, is required to take the Oaths therein mentioned, ſhall be obliged, and is thereby required, under certain Penalties, to take and ſubſcribe an Oath in the Form and Words therein preſcribed and ſet down: It is therefore Our Will and Pleaſure that you do adminiſter to each and every Member of Our ſaid Council, being a Canadian, and profeſſing the Religion of the Church of Rome, and cauſe each of them ſeverally to take and ſubſcribe the Oath mentioned in the ſaid Act, paſſed in the Fourteenth Year of Our Reign, intituled, "An Act for making more effectual Proviſion for the "Government of the Province of Quebec, in North America;" and alſo cauſe them ſeverally to take an Oath for the due Execution of their Places and Truſts, and for their equal and impartial Adminiſtration of Juſtice.

5. And that We may be always informed of the Names and Characters of Perſons fit to ſupply the Vacancies which may happen in Our ſaid Council, you are from Time to Time to tranſmit to Us, by One of Our Principal Secretaries of State, the Names and Characters of ſuch Perſons, Inhabitants of Our ſaid Colony, whom you ſhall eſteem the beſt qualified for that Truſt; and you are alſo to tranſmit a Duplicate of the ſaid Account to Our Commiſſioners for Trade and Plantations for their Information.

6. And if it ſhall at any Time happen that by the Death or Departure out of Our ſaid Province of any of Our ſaid Councillors, there ſhall be a Vacancy in our ſaid Council, Our Will and Pleaſure is, that you ſignify the ſame to Us by One of Our Principal Secretaries of State, and to Our Commiſſioners for Trade and Plantations, by the firſt Opportunity, that we may, by Warrant under our Signet and Sign Manual, and with the Advice of Our Privy Council, conſtitute and appoint others in their Stead.

7. You are forthwith to communicate ſuch and ſo many of theſe Our Inſtructions to Our ſaid Council, wherein their Advice and Conſent are mentioned to be requiſite, as likewiſe all ſuch others from Time to Time as you ſhall find convenient for Our Service to be imparted to them.

8. You are to permit the Members of our ſaid Council to have and enjoy Freedom of Debate and Vote in all Affairs of Public Concern that may be debated in Council.

9. And whereas by the aforeſaid Act, paſſed in the Fourteenth Year of Our Reign, intituled, "An Act for making more effectual Proviſion for "the Government of the Province of Quebec, in North America," it is further Enacted and Provided, that the Council for the Affairs of the ſaid Province, to be conſtituted and appointed in Manner therein directed, or the major Part thereof, ſhall have Power and Authority to make Ordinances for the Peace, Welfare, and good Government of the ſaid Province, with the Conſent of Our Governor, or in his Abſence of the Lieutenant Governor or Commander in Chief for the Time being, provided that no Ordinance

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ſhall be paſſed unleſs upon ſome urgent Occaſion at any Meeting of the Council, except between the Firſt Day of January and the Firſt Day of May: And whereas the State and Condition of Our ſaid Province do require that immediate Proviſion ſhould be made by Law for a great Variety of Arrangements and Regulations eſſentially neceſſary for the Government thereof; it is therefore Our Will and Pleaſure, that you do within a convenient Time iſſue Summons for the aſſembling of our ſaid Council in their Legiſlative Capacity, either on the Firſt Day of April next, or as ſoon after as may be convenient, in order to deliberate upon and frame ſuch Ordinances as the Condition of Affairs within Our ſaid Province ſhall require, and as ſhall in your and their Judgment be fit and neceſſary for the Welfare of Our ſaid Province, and the Territories thereunto belonging.

10. You are nevertheleſs to take eſpecial Care, That no Ordinance be paſſed at any Meeting of the Council where leſs than a Majority of the Council is preſent, or at any Time, except between the Firſt Day of January and the Firſt Day of May, as aforeſaid, unleſs upon ſome urgent Occaſion, in which Caſe every Member thereof, reſident at Quebec, or within Fifty Miles thereof, ſhall be Perſonally ſummoned to attend the ſame.

That no Ordinance be paſſed for laying any Taxes or Duties, ſuch Rates and Taxes only excepted as the Inhabitants of any Town or Diſtrict may be authorized to aſſeſs, levy, and apply within the ſaid Town or Diſtrict, for the making Roads, erecting and repairing public Buildings, or for any other Purpoſe reſpecting the local Convenience and Œconomy of ſuch Town or Diſtrict.

That no Ordinance touching Religion, or by which any Puniſhment may be inflicted greater than Fine or Impriſonment for Three Months, be made to take Effect, until the ſame ſhall have received Our Approbation.

That no Ordinance be paſſed relative to the Trade, Commerce, or Fiſheries of the ſaid Province, by which the Inhabitants thereof ſhall be put upon a more advantageous Footing than any other His Majeſty's Subjects, either of this Kingdom, or the Plantations.

That no Ordinance reſpecting private Property be paſſed without a Clauſe ſuſpending its Execution until our Royal Will and Pleaſure is known, nor without a Saving of the Right of Us, Our Heirs or Succeſſors, and of all Bodies Politic and Corporate, and of all other Perſons, except ſuch as are mentioned in the ſaid Ordinance, and thoſe claiming by, from, and under them; and before ſuch Ordinance is paſſed, Proof muſt be made before you in Council, and entered in the Council Books, that public Notification was made of the Parties Intention to apply for ſuch Ordinance in the ſeveral Pariſh Churches where the Lands in Queſtion lie, for Three Sundays at leaſt ſucceſſively before any ſuch Ordinance ſhall be propoſed; and you are to tranſmit and annex to the ſaid Ordinance a Certificate under your Hand, that the ſame paſſed through all the Forms above-mentioned.

That no Ordinance ſhall be enacted for a leſs Time than Two Years, except in Caſes of imminent Neceſſity, or immediate temporary Expediency; and you ſhall not re-enact any Ordinance to which Our Aſſent ſhall have been once refuſed, without expreſs Leave for that Purpoſe firſt obtained from Us, upon a full Repreſentation by you to be made to Us by one of Our Principal Secretaries of State, and to Our Commiſſioners for Trade

Trade and Plantations, for their Information, of the Reaſons and Neceſſity for paſſing ſuch Ordinance; nor give your Aſſent to any Ordinance for repealing any other Ordinance which hath paſſed in your Government, and ſhall have received Our Royal Approbation, unleſs you take Care that there be a Clauſe inſerted therein, ſuſpending and deferring the Execution thereof until Our Pleaſure ſhall be known concerning the ſame.

That in all Ordinances impoſing Fines, Forfeitures, or Penalties, expreſs Mention be made that the ſame is granted or reſerved to Us, Our Heirs and Succeſſors, for the public Uſes of the ſaid Province, and the Support of the Government thereof, as by the ſaid Ordinance ſhall be directed; and that a Clauſe be inſerted, declaring that the Money ariſing by the Operation of the ſaid Ordinance ſhall be accounted for unto Us in this Kingdom, and to Our Commiſſioners of Our Treaſury for the Time being, and audited by Our Auditor General of Our Plantations, or his Deputy.

That all ſuch Ordinances be tranſmitted by you within Six Months after their paſſing, or ſooner if Opportunity offers to Us, by One of Our Principal Secretaries of State, and Duplicates thereof to Our Commiſſioners for Trade and Plantations for their Information; that they be abſtracted in the Margents, and accompanied with very full and particular Obſervations upon each of them, that is to ſay, whether the ſame is introductive to a new Law, or does repeal a Law then before in being; and you are alſo to tranſmit in the fulleſt Manner the Reaſons and Occaſion for enacting ſuch Ordinances, together with fair Copies of the Journals of the Proceedings of the Council, which you are to require from the Clerk of the ſaid Council.

11. In the Conſideration of what may be neceſſary to be provided for by Law within our ſaid Province, as created and eſtabliſhed by the aforeſaid Act, intituled, "An Act for making more effectual Proviſion for the Go- "vernment of the Province of Quebec, in North America," a great Variety of important Objects hold themſelves forth to the Attention of the Legiſlative Council.

12. The Eſtabliſhment of Courts, and a proper Mode of adminiſtering Civil and Criminal Juſtice, throughout the whole Extent of Our Province, according to the Principles declared in the ſaid Act, "for making more "effectual Proviſion for the Government thereof," demand the greateſt Care and Circumſpection; for as on the one Hand it is Our gracious Purpoſe conformable to the Spirit and Intention of the ſaid Act of Parliament, that our Canadian Subjects ſhould have the Benefit and Uſe of their own Laws, Uſages, and Cuſtoms, in all Controverſies reſpecting Titles of Land, and the Tenure, Deſcent, Alienation, Incumbrances, and Settlement of Real Eſtates, and the Diſtribution of the Perſonal Property of Perſons dying inteſtate; ſo on the other Hand it will be the Duty of the Legiſlative Council to conſider well in framing ſuch Ordinances, as may be neceſſary for the Eſtabliſhment of Courts of Juſtice, and for the better Adminiſtration of Juſtice, whether the Laws of England may not be, if not altogether, at leaſt in Part, the Rule for the Deciſion in all Caſes of Perſonal Actions grounded upon Debts, Promiſes, Contracts, and Agreements, whether of a Mercantile or other Nature, and alſo of Wrongs proper to be compenſated in Damages, and more eſpecially where Our natural-born Subjects of Great Britain, Ireland, or Our other Plantations, reſiding at Quebec,

bec, or who may reſort thither, or have Credits or Property within the ſame, may happen to be either Plaintiff or Defendant in any Civil Suit of ſuch a Nature.

13. Security to Perſonal Liberty is a fundamental Principle of Juſtice in all free Governments and the making due Proviſion for that Purpoſe is an Object the Legiſlature of Quebec ought never to loſe Sight of; nor can they follow a better Example than that which the Common Law of this Kingdom hath ſet in the Proviſion made for a Writ of Habeas Corpus, which is the Right of every Britiſh Subject in this Kingdom.

14. With regard to the Nature and Number of the Courts of Juſtice, which it may be proper to eſtabliſh, either for the whole Province at large, or ſeparately for its Dependancies, and the Times and Places for holding the ſaid Courts, no certain Rule can be laid down in a Caſe, in which the Judgment muſt, in many Reſpects at leaſt, be altogether guided by Circumſtances of local Convenience and Conſideration.

15. In general it may be proper that there ſhould be a Superior or Supreme Court of Criminal Juſtice and Juriſdiction, for the Cognizance of all Pleas of the Crown, and for the Trial of all Manner of Offences whatſoever, to be held before the Chief Juſtice for the Time being, at ſuch Times and Places as ſhall be moſt convenient for the due and ſpeedy Adminiſtration of Juſtice, and the preventing long Impriſonments, the ſaid Court to be called and known by the Name of the Court of King's Bench; and for the more orderly Eſtabliſhment and Regulation of Courts of Civil Juriſdiction, the Province of Quebec, as limited and bounded by the aforeſaid Act of Parliament "for making more effectual Proviſion for the Government of the Province of Quebec, in North America," be divided into Two Diſtricts, by the Names of Quebec and Montreal, each Diſtrict to be limited and bounded in ſuch Manner as ſhall be thought beſt adapted to the Object of the Juriſdiction to be eſtabliſhed therein; that there be eſtabliſhed in each of the ſaid Diſtricts a Court of Common Pleas, to be held at ſuch Times and Places as ſhall be judged moſt convenient, and to have full Power, Juriſdiction, and Authority, to hear and determine all Civil Pleas and Actions cognizable by the Court of Common Pleas in Weſtminſter Hall, according to the Rules preſcribed by the ſaid Act of Parliament, "for making more effectual Proviſion for the Government of the Province of Quebec, in North America," and according to ſuch Laws and Ordinances as ſhall from Time to Time be enacted by the Legiſlature of the ſaid Province, in Manner therein directed; that there be Three Judges in each of the ſaid Courts of Common Pleas, that is to ſay, Two of Our natural-born Subjects of Great Britain, Ireland, or Our other Plantations, and One Canadian, and alſo One Sheriff appointed for each Diſtrict; that beſides the foregoing Courts of Criminal and Civil Juriſdiction for the Province at large, there be alſo an inferior Court of Criminal and Civil Juriſdiction in each of the Diſtricts of the Illinois, St. Vincenne, Detroit, Michilimakinac, and Gaſpée, by the Names of the Court of King's Bench for ſuch Diſtrict, to be held at ſuch Times as ſhall be thought moſt convenient, with Authority to hear and determine in all Matters of a Criminal Nature according to the Laws of England, and the Laws or the Province hereafter to be made and paſſed, and in all Civil Matters according to the

Rules prescribed by the aforesaid Act of Parliament, " for making more " effectual Provision for the Government of Quebec in North America;" that each of the said Courts shall consist of One Judge, being a natural born Subject of Great Britain, Ireland, or Our other Plantations, and of One other Person, being a Canadian, by the Name of Assistant or Assessor, to give Advice to the Judge in any Matter when it may be necessary, but to have no Authority or Power to attest or issue any Process, or to give any Vote in any Order, Judgment, or Decrees; that the said Judges, so to be appointed as aforesaid for each District, shall have the same Power and Authority in Criminal Cases as is vested in the Chief Justice of Our said Province, and also the same Power and Authority in Civil Cases as any other Judge of Common Pleas within Our said Province, excepting only that in Cases of Treason, Murder, or other Capital Felonies, the said Judges shall have no other Authority than that of Arrest and Commitment to the Gaols of Quebec or of Montreal, where alone Offenders in such Cases shall be tried before Our Chief Justice; that a Sheriff be appointed in each of the said Districts for the Execution of Civil and Criminal Process; that the Governor and Council (of which, in the Absence of the Governor and Lieutenant Governor, the Chief Justice is to be President) shall be a Court of Civil Jurisdiction for the hearing and determining all Appeals from the Judgment of the other Courts, where the Matter in Dispute is above the Value of Ten Pounds; that any Five of the said Council, with the Governor, Lieutenant Governor, or Chief Justice, shall constitute a Court for that Purpose, and that their Judgment shall be final in all Cases not exceeding the Value of £. 500 Sterling, in which Cases an Appeal from their Judgment is to be admitted to Us in Our Privy Council: It is however Our Will and Pleasure, that no Appeal be allowed, unless Security be first duly given by the Appellant, that he will effectually prosecute the same, and answer the Condemnation, as also pay such Costs and Damages as shall be awarded by Us, in case the Sentence be affirmed: Provided nevertheless, where the Matter in Question relates to the taking or demanding any Duty payable to Us, or to any Fee of Office, or Annual Rents or other such like Matter or Thing, where the Rights in future may be bound, in all such Cases Appeal to Us in Our Privy Council is to be admitted, though the immediate Sum or Value so appealed for be of less Value: And it is Our further Will and Pleasure, that in all Cases where Appeals are admitted unto Us in Our Privy Council, Execution be suspended until the final Determination of such Appeal, unless good and sufficient Security be given by the Appellee, to make ample Restitution of all that the Appellant shall have lost by Means of such Decree or Judgment, in case, upon the Determination of such Appeal, such Decree or Judgment should be reversed, and Restitution awarded to the Appellant; Appeals unto Us in Our Privy Council are also to be admitted in all Cases of Fines imposed for Misdemeanors, provided the Fines so imposed amount to or exceed the Sum of £. 100 Sterling, the Appellant first giving good Security that he will effectually prosecute the same, and answer the Condemnation, if the Sentence by which such Fine was imposed in Quebec be affirmed.

16. It is Our Will and Pleasure that all Commissions to be granted by

you

you to any Perſon or Perſons to be Judges or Juſtices of the Peace, or other neceſſary Officers, be granted during Pleaſure only.

17. You ſhall not diſplace any of the Judges, Juſtices of the Peace, or other Officers or Miniſters, without good and ſufficient Cauſe, which you ſhall ſignify in the fulleſt and moſt diſtinct Manner to Us by One of Our Principal Secretaries of State, and to Our Commiſſioners for Trade and Plantations, for their Information.

18. And whereas frequent Complaints have heretofore been made of great Delays and undue Proceedings in the Courts of Juſtice in ſeveral of Our Plantations, whereby many of Our good Subjects have very much ſuffered; and it being of the greateſt Importance to Our Service, and to the Welfare of Our Plantations, that Juſtice be every where ſpeedily and duly adminiſtered, and that all Diſorders, Delays, and other undue Practices in the Adminiſtration thereof, be effectually prevented; We do particularly require you to take eſpecial Care, that in all Courts where you are or ſhall be authorized to preſide Juſtice be impartially adminiſtered; and that in all other Courts, eſtabliſhed or to be eſtabliſhed within our ſaid Province, all Judges, and other Perſons therein concerned, do likewiſe perform their ſeveral Duties without any Delay or Partiality.

19. You are to take Care, that all Writs be iſſued in Our Name throughout the Province under your Government.

20. The Eſtabliſhment of proper Regulations in Matters of Eccleſiaſtical Concern is an Object of very great Importance, and it will be your indiſpenſable Duty to loſe no Time in making ſuch Arrangements in regard thereto as may give full Satisfaction to Our new Subjects in every Point in which they have a Right to any Indulgence on that Head, always remembering that it is a Toleration of the free Exerciſe of the Religion of the Church of Rome only to which they are entitled, but not to the Powers and Privileges of it as an eſtabliſhed Church, for that is a Preference which belongs only to the Proteſtant Church of England.

21. Upon theſe Principles, therefore, and to the End that Our juſt Supremacy in all Matters Eccleſiaſtical as well as Civil may have its due Scope and Influence, it is Our Will and Pleaſure,

First, That all Appeals to, or Correſpondence with, any foreign Eccleſiaſtical Juriſdiction, of what Nature or Kind ſoever, be abſolutely forbidden, under very ſevere Penalties.

Secondly, That no Epiſcopal or Vicarial Powers be exerciſed within Our ſaid Province, by any Perſon profeſſing the Religion of the Church of Rome, but ſuch only as are eſſentially and indiſpenſably neceſſary to the free Exerciſe of the Romiſh Religion; and in thoſe Caſes not without a Licence or Permiſſion from you, under the Seal of Our ſaid Province, for and during Our Will and Pleaſure, and under ſuch other Limitations and Reſtrictions as may correſpond with the Spirit and Proviſion of the Act of Parliament "for making more effectual Proviſion for the Government "of the Province of Quebec;" and no Perſon whatever is to have Holy Orders conferred upon him, or to have the Cure of Souls, without a Licence for that Purpoſe firſt had and obtained from you.

Thirdly,

Thirdly, That no Perſon profeſſing the Religion of the Church of Rome be allowed to fill any Eccleſiaſtical Benefice, or to have or enjoy any of the Rights or Profits belonging thereto, that is not a Canadian by Birth (ſuch only excepted as are now in Poſſeſſion of any ſuch Benefice) and that is not appointed thereto by Us, or by or under Our Authority; and that all Right or Claim of Right, in any other Perſon whatever, to nominate, preſent, or appoint to any vacant Benefice, other than ſuch as may lay Claim to the Patronage of Benefices as a Civil Right, be abſolutely aboliſhed: No Perſon to hold more than One Benefice, or at leaſt not more than can reaſonably be ſerved by One and the ſame Incumbent.

Fourthly, That no Perſon whatever, profeſſing the Religion of the Church of Rome, be appointed Incumbent of any Pariſh, in which the Majority of the Inhabitants ſhall ſolicit the Appointment of a Proteſtant Miniſter; in ſuch Caſe the Incumbent ſhall be a Proteſtant, and entitled to all Tythes payable within ſuch Pariſh; but nevertheleſs the Roman Catholics may have the Uſe of the Church for the free Exerciſe of their Religion, at ſuch Time as may not interfere with the Religious Worſhip of the Proteſtants: And in like Manner the Proteſtant Inhabitants in every Pariſh, where the Majority of Pariſhioners are Roman Catholics, ſhall notwithſtanding have the Uſe of the Church for the Exerciſe of their Religion, at ſuch Times as may not interfere with the Religious Worſhip of the Roman Catholics.

Fifthly, That no Incumbent profeſſing the Religion of the Church of Rome appointed to any Pariſh, ſhall be entitled to receive any Tythes for Lands or Poſſeſſions occupied by a Proteſtant, but ſuch Tythes ſhall be received by ſuch Perſons as you ſhall appoint, and ſhall be reſerved in the Hands of Our Receiver General as aforeſaid, for the Support of a Proteſtant Clergy in Our ſaid Province, to be actually reſident within the ſame, and not otherwiſe, according to ſuch Directions as you ſhall receive from Us in that Behalf; and in like Manner all growing Rents and Profits of a vacant Benefice ſhall during ſuch Vacancy be reſerved for and applied to the like Uſes.

Sixthly, That all Perſons profeſſing the Religion of the Church of Rome, which are already poſſeſſed of, or may hereafter be appointed to any Eccleſiaſtical Benefice, or who may be licenſed to exerciſe any Power or Authority in reſpect thereto, do take and ſubſcribe, before you in Council, or before ſuch Perſon as you ſhall appoint to adminiſter the ſame, the Oath required to be taken and ſubſcribed by the aforeſaid Act of Parliament paſſed in the Fourteenth Year of Our Reign, intituled, "An Act "for making more effectual Proviſion for the Government of the Pro- "vince of Quebec in North America."

Seventhly, That all Incumbents of Pariſhes ſhall hold their reſpective Benefices during good Behaviour, ſubject however, in Caſes of any Conviction for Criminal Offences, or upon due Proof of ſeditious Attempts to diſturb the Peace and Tranquillity of Our Government, to be deprived or ſuſpended by you, with the Advice and Conſent of a Majority of Our ſaid Council.

Eighthly, That ſuch Eccleſiaſtics as may think fit to enter into the holy

holy State of Matrimony ſhall be releaſed from all Penalties to which they may have been ſubjected in ſuch Caſes, by any Authority of the See of Rome.

Ninthly, That Freedom of Burial of the Dead in Churches and Church Yards be allowed, indiſcriminately, to every Chriſtian Perſuaſion.

Tenthly, That the Royal Family be prayed for in all Churches and Places of Holy Worſhip, in ſuch Manner and Form as are uſed in this Kingdom, and that our Arms and Inſignia be put up, not only in all ſuch Churches and Places of Holy Worſhip, but alſo in all Courts of Juſtice; and that the Arms of France be taken down in every ſuch Church or Court, where they may at preſent remain.

Eleventhly, That the Society of Romiſh Prieſts called the Seminaries of Quebec and Montreal, ſhall continue to poſſeſs and occupy their Houſes of Reſidence, and all other Houſes and Lands to which they were lawfully entitled on the 13th of September 1759; and it ſhall be lawful for thoſe Societies to fill up Vacancies, and admit new Members, according to the Rules of their Foundations, and to educate Youth in order to qualify them for the Service of Parochial Cures, as they ſhall become vacant: It is nevertheleſs Our Will and Pleaſure, that not only theſe Seminaries, but all other Religious Communities, ſo long as the ſame ſhall continue, be ſubject to Viſitation by you Our Governor, or ſuch other Perſon or Perſons as you ſhall appoint for that Purpoſe, and alſo ſubject to ſuch Rules and Regulations as you ſhall, with the Advice and Conſent of Our Council, think fit to eſtabliſh and appoint.

Twelfthly, It is alſo Our Will and Pleaſure, that all other Religious Seminaries and Communities (that of the Jeſuits only excepted) do for the preſent, and until We can be more fully informed of the true State of them, and how far they are or are not eſſential to the free Exerciſe of the Religion of the Church of Rome, as allowed within Our ſaid Province, remain upon their preſent Eſtabliſhment; but you are not to allow the Admiſſion of any new Members into any of the ſaid Societies or Communities, the Religious Communities of Women only excepted, without our expreſs Orders for that Purpoſe: That the Society of Jeſuits be ſuppreſſed and diſſolved, and no longer continued as a Body Corporate and Politic, and all their Rights, Poſſeſſions, and Property ſhall be veſted in Us for ſuch Purpoſes as We may hereafter think fit to direct or appoint; but We think fit to declare Our Royal Intention to be, that the preſent Members of the ſaid Society, as eſtabliſhed at Quebec, ſhall be allowed ſufficient Stipends and Proviſions during their natural Lives: That all Miſſionaries amongſt the Indians, whether eſtabliſhed under the Authority of, or appointed by the Jeſuits, or by any other Eccleſiaſtical Authority of the Romiſh Church, be withdrawn by Degrees, and at ſuch Times, and in ſuch Manner, as ſhall be ſatisfactory to the ſaid Indians, and conſiſtent with the Public Safety, and Proteſtant Miſſionaries appointed in their Places: That all Eccleſiaſtical Perſons whatſoever, of the Church of Rome, be inhibited, upon Pain of Deprivation, from influencing any Perſon in the making a Will, from inveigling Proteſtants to become Papiſts, or from tampering with

them in Matters of Religion, and that the Romiſh Prieſts be forbid to inveigh in their Sermons againſt the Religion of the Church of England, or to marry, baptize, or viſit the Sick, or bury any of our Proteſtant Subjects, if a Proteſtant Miniſter be upon the Spot.

22. You are at all Times, and upon all Occaſions, to give every Countenance and Protection in your Power to ſuch Proteſtant Miniſters and Schoolmaſters as are already eſtabliſhed within Our ſaid Province, or may hereafter be ſent thither, to take Care that ſuch Stipends and Allowances as we may think fit to appoint for them be duly paid: That the Churches already appropriated, or which may hereafter be appropriated, to the Uſe of Divine Worſhip, according to the Rites of the Church of England as by Law eſtabliſhed, be well and orderly kept; and as the Number of Proteſtants ſhall by God's Bleſſing increaſe, to lay out new Pariſhes in convenient Situations, and ſet apart and appropriate proper Diſtricts of Land therein for the Scite of Churches and Parſonage Houſes, and for Glebes for the Miniſters and Schoolmaſters.

23. You are to take eſpecial Care that God Almighty be devoutly and duly ſerved in all Proteſtant Churches and Chapels throughout our ſaid Province, in which Divine Service is performed, according to the Rites of the Church of England, the Book of Common Prayer, as by Law eſtabliſhed, be read each Sunday and Holiday, and the Bleſſed Sacrament duly adminiſtered.

24. You are not to prefer any Proteſtant Miniſter to any Eccleſiaſtical Benefice in the Province under your Government, without a Certificate from the Right Reverend Father in God the Lord Biſhop of London, of his being comformable to the Doctrine and Diſcipline of the Church of England, and of a good Life and Converſation; and if any Perſon hereafter preferred to a Benefice ſhall appear to you to give Scandal, either by his Doctrine or Manners, you are to uſe the beſt Means for his Removal.

25. You are to give Orders forthwith that every Proteſtant Miniſter within your Government be one of the Veſtry in his reſpective Pariſh, and that no Veſtry be held without him, except in caſe of Sickneſs, or after Notice of a Veſtry ſummoned he omit to come.

26. And to the End that the Eccleſiaſtical Juriſdiction of the Lord Biſhop of London may take Place in Our Province under your Government, as far as conveniently may be, We do think fit that you give all Countenance and Encouragement to the Exerciſe of the ſame, excepting only the collating to Benefices, granting Licences for Marriages and Probates of Wills, which We have reſerved to you Our Governor, and to the Commander in Chief of Our ſaid Province for the Time being.

27. And We do further direct, that no Schoolmaſter who ſhall arrive in Our ſaid Province from this Kingdom be henceforward permitted to keep School, without the Licence of the ſaid Lord Biſhop of London; and that no other Perſon now there, or that ſhall come from other Parts, ſhall be admitted to keep School in your Government, without your Licence firſt obtained.

28. You

28. You are to take especial Care that a Table of Marriages, established by the Canons of the Church of England, be hung up in all Places of public Worship, according to the Rites of the Church of England.

29. And it is Our further Will and Pleasure, that in order to suppress as much as in you lies every Species of Vice and Immorality, you forthwith do cause all Laws already made against Blasphemy, Profaneness, Adultery, Fornication, Polygamy, Incest, Profanation of the Lord's Day, Swearing, and Drunkenness, to be vigorously put in Execution in every Part of your Government, and that you take due Care for the Punishment of these and every other Vice and Immorality by Presentment, upon Oath to be made to the Temporal Courts by the Churchwardens of the several Parishes, at proper Times of the Year to be appointed for that Purpose; and for the further Discouragement of Vice, and Encouragement of Virtue and good Living (that by such Examples the Infidels may be invited and persuaded to embrace the Christian Religion) you are not to admit any Persons to Public Trusts and Employments in the Province under your Government, whose ill Fame and Conversation may occasion Scandal.

30. The Extension of the Limits of the Province of Quebec necessarily calls forth your Attention to a Variety of new Matter and new Objects of Consideration; the Protection and Controul of the various Settlements of Canadian Subjects, and the Regulation of the Peltry Trade in the upper or interior Country on the one Hand and the Protection of the Fisheries in the Gulph of St. Lawrence, and on the Labrador Coast, on the other Hand, point to Regulations that require Deliberation and Dispatch.

31. The Institution of inferior Judicatures with limited Jurisdiction in Criminal and Civil Matters for the Illinois, Poste Saint Vincenne, the Detroit, Missilimakinac and Gaspée, has been already pointed out, and the Appointment of a Superintendant at each of those Posts is all that is further necessary for their Civil Concerns; but it will be highly proper that the Limits of each of those Posts, and of every other in the interior Country, should be fixed and ascertained, and that no Settlement be allowed beyond those Limits, seeing that such Settlements must have the Consequence to disgust the Savages, to excite their Enmity, and at Length totally to destroy the Peltry Trade, which ought to be cherished and encouraged by every Means in your Power.

32. It is Our Royal Intention that the Peltry Trade of the interior Country should be free and open to all Our Subjects, Inhabitants of any of Our Colonies, who shall, pursuant to what was directed by Our Royal Proclamation of 1763, obtain Licences from the Governors of any of Our said Colonies for that Purpose, under Penalties to observe such Regulations as shall be made by Our Legislature of Quebec for that Purpose; these Regulations, therefore, when established, must be made public throughout all Our American Possessions, and they must have for their Object the giving every possible Facility to that Trade which the Nature of it will admit, and as may consist with fair and just Dealing towards the Savages with whom it is carried on: The fixing stated Times and Places for carrying on the Trade, and adjusting Modes of settling Rates of the Prices of Goods and Furs, and above all the restraining the Sale

Sale of Spirituous Liquors to the Indians, will be the moſt probable and effectual Means of anſwering the Ends propoſed: Theſe, and a Variety of other Regulations, incident to the Nature and Purpoſe of the Peltry Trade in the interior Country, are fully ſtated in a Plan propoſed by Our Commiſſioners for Trade and Plantations in 1764, a Copy of which is hereunto annexed, and which will ſerve as a Guide in a Variety of Caſes, in which it may be neceſſary to make Proviſion by Law for that important Branch of the American Commerce.

33. The Fiſheries on the Coaſt of Labrador, and the Iſlands adjacent thereto, are Objects of the greateſt Importance, not only on Account of the Commodities they produce, but alſo as Nurſeries of Seamen, upon whom the Strength and Security of Our Kingdom depend.

34. Juſtice and Equity demand that the real and actual Property and Poſſeſſion of the Canadian Subjects on that Coaſt ſhould be preſerved entirely and that they ſhould not be moleſted or hindered in the Exerciſe of any ſedentary Fiſheries they may have eſtabliſhed there.

35. Their Claims, however, extend to but a ſmall Diſtrict of the Coaſt on the greateſt Part of which Diſtrict a Cod Fiſhery is ſtated to be impracticable.

36. On all ſuch Parts of the Coaſt where there are no Canadian Poſſeſſions, and more eſpecially where a valuable Cod Fiſhery may be carried on it will be your Duty to make the Intereſts of Our Britiſh Subjects going out to fiſh there in Ships fitted out from Great Britain the Firſt Object of your Care, and, as far as Circumſtances will admit, to eſtabliſh on that Coaſt the Regulations in Favour of Britiſh Fiſhing Ships, which have been ſo wiſely adopted by the Act of Parliament paſſed in the Reign of King William the Third, for the Encouragement of the Newfoundland Fiſhery, and you are on no Account to allow any Poſſeſſion to be taken, or ſedentary Fiſheries to be eſtabliſhed, upon any Parts of the Coaſt that are not already private Property, by any Perſons whatever, except only ſuch as ſhall produce Annually a Certificate of their having fitted out from ſome Port in Great Britain.

37. We have mentioned to you the Fiſheries upon the Coaſt of Labrador as the main Object of your Attention; but the Commerce carried on with the Savages of that Coaſt, and the State and Condition of the Savages, deſerve ſome Regard: The Society of Unitas Fratrum, urged by a laudable Zeal for promoting Chriſtianity, has already, under Our Protection, and with Our Permiſſion, formed Eſtabliſhments in the Northern Parts of that Coaſt, for the Purpoſes of civilizing the Natives, and converting them to the Chriſtian Religion; their Succeſs has been anſwerable to their Zeal; and it is Our expreſs Will and Pleaſure that you do give them every Countenance and Encouragement in your Power, and that you do not allow any Eſtabliſhment to be made but with their Conſent, within the Limits of their Poſſeſſions.

38. By Our Commiſſion to you under Our Great Seal of Great Britain you are authorized and impowered, with the Advice and Conſent of Our Council, to ſettle and agree with the Inhabitants of Our ſaid Province

Quebec, for ſuch Lands, Tenements, and Hereditaments as now are or ſhall hereafter be in Our Power to diſpoſe of; it is therefore Our Will and Pleaſure, that all Lands which now are or hereafter may be ſubject to Our Diſpoſal, be granted in Fief or Seigneurie, in like Manner as was practiſed antecedent to the Conqueſt of the ſaid Province, omitting, however, in any Grant that ſhall be paſſed of ſuch Lands, the Reſervation of any judicial Powers or Privileges whatever: And it is Our further Will and Pleaſure, that all Grants in Fief or Seigneurie, ſo to be paſſed by you as aforeſaid, be made ſubject to Our Royal Ratification or Diſallowance, and a due Regiſtry thereof within a limited Time, in like Manner as was practiſed in regard to Grants and Conceſſions held in Fief and Seigneurie under the French Government.

39. It is Our Will and Pleaſure, however, that no Grants be made of any Lands on which there is any conſiderable Growth of White Pines fit for Maſting Our Royal Navy, and which lie convenient for Water Carriage, but that you do cauſe all ſuch Lands to be ſet apart for Our Uſe, and proper Regulations made, and Penalties inflicted, to prevent Treſpaſſes on ſuch Tracts, and the cutting down or deſtroying the Trees growing thereon.

40. And whereas it appears from the Repreſentations of Our late Governor of the Diſtrict of Trois Rivieres, that the Iron Works at St. Maurice, in that Diſtrict, are of great Conſequence to Our Service, it is therefore Our Will and Pleaſure that no Part of the Lands upon which the ſaid Iron Works were carried on, or from which the Ore uſed in ſuch Works was procured, or which ſhall appear to be neceſſary and convenient for that Eſtabliſhment, either in reſpect to a free Paſſage to the River St. Lawrence, or for producing a neceſſary Supply of Wood, Corn, and Hay, or for Paſture for Cattle, be granted to any private Perſon whatever; and alſo that as large a Diſtrict of Land as conveniently may be, adjacent to and lying round the ſaid Iron Works, over and above what may be neceſſary for the above Purpoſes, be reſerved for Our Uſe, to be diſpoſed of in ſuch Manner as We ſhall hereafter direct and appoint.

41. And it is Our further Will and Pleaſure, that you do conſider of a proper and effectual Method of collecting, receiving, and accounting for Our Quit Rents, whereby all Frauds, Concealment, Irregularity, or Neglect therein may be prevented, and whereby the Receipt may be effectually checked and controuled; and if it ſhall appear neceſſary to paſs an Act for the more effectually aſcertaining, and the more ſpeedily and regularly collecting Our Quit Rents, you are to prepare the Heads of ſuch a Bill as you ſhall think may moſt effectually conduce to the procuring the good Ends propoſed, and to tranſmit the ſame to Us, by One of Our principal Secretaries of State for Our further Directions therein; and you are alſo to tranſmit a Duplicate thereof to Our Commiſſioners for Trade and Plantations for their Information.

42. You are to uſe your beſt Endeavours in improving the Trade of the Province under your Government, by ſettling ſuch Orders and Regulations therein, with the Advice of Our ſaid Council, as may be moſt acceptable to the Generality of the Inhabitants; and it is Our expreſs

Will and Pleaſure that you do not, upon any Pretence whatever, upon Pain of Our higheſt Diſpleaſure, give your Aſſent to any Law or Laws for ſetting up any Manufactures, and carrying on any Trades which are hurtful and prejudicial to this Kingdom; and that you do uſe your utmoſt Endeavours to diſcourage, diſcountenance, and reſtrain any Attempts which may be made to ſet up ſuch Manufactures, or eſtabliſh any ſuch Trades.

43. And it is Our Will and Pleaſure, that you do not diſpoſe of any Forfeitures or Eſcheats to any Perſon, until the Sheriff or other proper Officer have made Enquiry by a Jury, upon their Oaths, into the true Value thereof, nor until you have tranſmitted to Our Commiſſioners of Our Treaſury a particular Account of ſuch Forfeitures and Eſcheats, and the Value thereof; and you are to take Care that the Produce of ſuch Forfeitures and Eſcheats, in caſe We ſhall think proper to give you Directions to diſpoſe of the ſame, be duly paid to Our Treaſurer or Receiver General of Our ſaid Province, and a full Account tranſmitted to Our Commiſſioners of Our Treaſury, or Our High Treaſurer for the Time being, with the Names of the Perſons to whom diſpoſed.

44. And whereas Commiſſions have been granted unto ſeveral Perſons in Our reſpective Plantations in America for the trying of Pirates in thoſe Parts, purſuant to the Acts for the more effectual Suppreſſion of Piracy; and by a Commiſſion already ſent to Our Province of New York, Our Governor there is impowered, together with others therein mentioned, to proceed accordingly in Reference to Our ſaid Province; Our Will and Pleaſure is, that you do uſe your beſt Endeavours to apprehend all Perſons whatever who may have been guilty of Piracy within your Government, or who, having committed ſuch Crimes at other Places, may come within your Juriſdiction; and until We ſhall think proper to direct the like Commiſſion to be eſtabliſhed for Our Government of Quebec, you are to ſend ſuch Pirates, with what Proofs of their Guilt you can procure or collect, to Our Governor of New York, to be tried and puniſhed under the Authority of the Commiſſion eſtabliſhed for thoſe Parts.

45. And whereas you will receive from Our Commiſſioners for executing the Office of High Admiral of Great Britain and of Our Plantations, a Commiſſion, conſtituting you Vice Admiral of Our ſaid Province, you are hereby required and directed carefully to put in Execution the ſeveral Powers thereby granted you.

46. Whereas great Inconveniences have happened heretofore by Merchant Ships and other Veſſels in the Plantations wearing the Colours borne by Our Ships of War, under Pretence of Commiſſions granted to them by the Governors of the ſaid Plantations, and by trading under thoſe Colours not only among Our own Subjects, but alſo thoſe of other Princes and States, and committing divers Irregularities, they may very much diſhonour Our Service; for preventing thereof you are to oblige the Commanders of all ſuch Ships to which you ſhall grant Commiſſions to wear no other Colours than ſuch as are deſcribed in an Order of Council of the 7th of January, 1730, in relation to Colours to be worn by all Ships and Veſſels, except Our Ships of War.

47. And

47. And whereas there have been great Irregularities in the Manner of granting Commiſſions in the Plantations to private Ships of War, you are to govern yourſelf, whenever there ſhall be Occaſion, according to the Commiſſions and Inſtructions granted in this Kingdom; but you are not to grant Commiſſions of Marque or Reprizal againſt any Prince or State, or their Subjects, in Amity with Us, to any Perſon whatſoever, without Our eſpecial Command.

48. Whereas We have been informed, that during the Time of War Our Enemies have frequently got Intelligence of the State of Our Plantations, by Letters from private Perſons to their Correſpondents in Great Britain, taken on Board Ships coming from the Plantations, which hath been of dangerous Conſequence; Our Will and Pleaſure, therefore, is, that you ſignify to all Merchants, Planters, and others, that they be very cautious in Time of War, whenever that ſhall happen, in giving any Accounts by Letters of the Public State and Condition of Our Province under your Government; and you are forthwith to give Directions to all Maſters of Ships, or other Perſons to whom you may entruſt your Letters, that they put ſuch Letters into a Bag, with a ſufficient Weight to ſink the ſame immediately, in caſe of imminent Danger from the Enemy; and you are alſo to let the Merchants and Planters know how greatly it is for their Intereſt that their Letters ſhould not fall into the Hands of the Enemy, and therefore that they ſhould give like Orders to Maſters of Ships in relation to their Letters; and you are further to adviſe all Maſters of Ships, that they do ſink all Letters in caſe of Danger, in the Manner before mentioned.

49. And whereas the Merchants and Planters in Our Plantations in America have in Time of War correſponded and traded with Our Enemies, and carried Intelligence to them, to the great Prejudice and Hazard of Our ſaid Plantations, you are therefore by all poſſible Methods to endeavour to hinder ſuch Trade and Correſpondence in Time of War.

50. Whereas it is abſolutely neceſſary that We be exactly informed of the State of Defence of all Our Plantations in America, as well in relation to the Stores of War that are in each Plantation, as to the Forts and Fortifications there, and what more may be neceſſary to be built for the Defence and Security of the ſame, you are as ſoon as poſſible to prepare an Account thereof with relation to Our ſaid Province in the moſt particular Manner; and you are therein to expreſs the preſent State of the Arms, Ammunition, and other Stores of War belonging to the ſaid Province, either in public Magazines or in the Hands of private Perſons, together with the State of all Places either already fortified, or that you judge neceſſary to be fortified for the Security of Our ſaid Province; and you are to tranſmit the ſaid Accounts to Us, by One of Our Principal Secretaries of State, and alſo Duplicates thereof to Our Commiſſioners for Trade and Plantations, for their Information, and alſo a Duplicate thereof to Our Maſter General or Principal Officers of Our Ordinance, which Accounts are to expreſs the Particulars of Ordnance, Carriages, Balls, Powder, and other Sorts of Arms and Ammunition in Our Public Stores; and ſo from Time to Time of what ſhall be ſent to you, or bought with the Public Money, and to ſpecify the Time of the Diſpoſal, and the Occaſion thereof: And you are

Half-

Half-yearly to tranſmit a general Account of the State of the Fortifications and Warlike Stores ſpecified in the Manner above mentioned.

51. And in caſe of any Diſtreſs of any other of Our Plantations you ſhall, upon Application of the reſpective Governors thereof unto you, aſſiſt them with what Aid the Condition and Safety of Our Province under your Government can ſpare.

52. If any Thing ſhall happen which may be of Advantage or Security to Our Province under your Government, which is not herein or by your Commiſſion provided for, We do hereby allow unto you, with the Advice and Conſent of Our Council, to take Order for the preſent therein, giving unto Us, by One of Our Principal Secretaries of State, ſpeedy Notice thereof, that you may receive Our Ratification, if We ſhall approve the ſame: Provided always, that you do not, by Colour of any Power or Authority hereby given you, commence or declare War, without Our Knowledge and particular Commands therein; and you are alſo to tranſmit a Duplicate of ſuch Notice as aforeſaid to Our Commiſſioners for Trade and Plantations for their Information.

53. And whereas We have, by the Firſt Article of theſe Our Inſtructions to you, directed and appointed that your chief Reſidence ſhall be at Quebec, you are nevertheleſs frequently to viſit the other Parts of your Government, in order to inſpect the Management of all Public Affairs, and thereby the better to take Care that the Government be ſo adminiſtered that no diſorderly Practices may grow up contrary to Our Service and the Welfare of Our Subjects.

54. And whereas great Prejudice may happen to Our Service, and the Security of the Province, by your Abſence from thoſe Parts, you are not, upon any Pretence whatſoever, to come into Europe, without having firſt obtained Leave for ſo doing from Us, under Our Sign Manual and Signet, or by Our Order in Our Privy Council; yet nevertheleſs in caſe of Sickneſs you may go to South Carolina, or any other of our Southern Plantations, and there ſtay ſuch a Space of Time as the Recovery of your Health may abſolutely require.

55. And whereas We have thought fit by Our Commiſſion to direct that in caſe of your Death or Abſence from Our ſaid Province, and in caſe there be at that Time no Perſon within Our ſaid Province commiſſionated or appointed by Us to be Our Lieutenant Governor or Commander in Chief, that the eldeſt Councillor, being a natural born Subject of Great Britain, Ireland, or the Plantations, and profeſſing the Proteſtant Religion, who ſhall be, at the Time of your Death or Abſence, reſiding within Our ſaid Province under your Government, ſhall take upon him the Adminiſtration of Government, and execute Our ſaid Commiſſion and Inſtructions, and the ſeveral Powers and Authorities therein directed: It is nevertheleſs Our expreſs Will and Pleaſure that in ſuch Caſe the ſaid Preſident ſhall forbear to paſs any Act or Acts, but what are immediately neceſſary for the Peace and Welfare of the ſaid Province, without Our particular Order for that Purpoſe.

56. And whereas We are deſirous that a proper Proviſion ſhould be made for the Support of Our Government within Our ſaid Province of Quebec,

We

We do therefore hereby declare it to be Our Royal Intention, that the following Annual Salaries and Allowances be discharged and paid out of any Revenues arising to Us within the same, or out of such other Monies as shall be granted or appropriated to the Uses and Services of Our said Province of Quebec; (that is to say)

To the Governor, per Annum		£. 2,000
To the Lieut. Governor		600
To the Chief Justice		1,200
To Six Judges of Common Pleas, at £. 500 each		3,000
To the Attorney General		300
To the Clerk of the Crown and Pleas		100
To Two Sheriffs, at £. 100 each		200
To the Secretary and Register		400
To the Clerk of the Council		100
To the Surveyor of Lands		300
To the Surveyor of Woods		200
To the Commissary for Indians		300
To the Captain of the Port		100
To the Naval Officer		100
To the Receiver General of the Revenues		400
To Twenty-three Councillors, at £. 100 each		2,300
To the Lieut. Governors or Superintendants at the Illinois, Poste St. Vincenne, Detroit, Missilimakinac, Gaspée	at £. 200 each	1,000
To One Judge of the Inferior Courts of King's Bench and Common Pleas at each of the above Five Posts, at £. 100 each Judge		500
To an Assistant or Assessor at each Post, at £. 50 per Ann.		250
To a Sheriff for each District, at £. 20 per Ann.		100
To a Grandvoyer		200
To a French Secretary		200
To Four Ministers of the Protestant Church, at £. 200 per Ann. each		800
To Two Schoolmasters, at £. 100 per Ann. each		200
To an Allowance to the Person licensed to superintend the Romish Church		200
To Pensions to the Officers of a Corps of Canadians employed in the last War, and discharged without any Allowance, as follows; viz.		
To Mons' Rigauville, the Commandant of said Corps		200
To Five Captains, at £. 100 each		500
To Ten Lieutenants, at £. 50 each		500
To the Commandant of the Savages		100
To Annual Contingent Expences		1,000
		£. 17,350

All which Salaries and Allowances are to commence on, and be payable from and after the Firſt Day of May next enſuing.

57. And whereas We are further willing in the beſt Manner to provide for the Support of the Government of Our ſaid Province, by ſetting apart a ſufficient Allowance to ſuch as ſhall be Our Lieutenant Governor, Commander in Chief, or Preſident of Our Council for the Time being within the ſame, Our Will and Pleaſure therefore is, that when it ſhall happen, that you ſhall be abſent from Our ſaid Province, One full Moiety of the Salary, and of all Perquiſites and Emoluments whatſoever, which would otherwiſe become due unto you, ſhall during the Time of your Abſence from Our ſaid Province be paid and ſatisfied unto ſuch Lieutenant Governor, Commander in Chief, or Preſident of Our Council, who ſhall be reſident upon the Place for the Time being, which We do hereby order and allot unto him, towards his Maintenance, and for the better Support of the Dignity of that Our Government.

(COPY.)

PLAN for the future Management of Indian Affairs, referred to in the Thirty-ſecond Article of the following Inſtructions.

1. THAT the Trade and Commerce with the ſeveral Tribes of Indians in North America, under the Protection of His Majeſty, ſhall be free and open to all His Majeſty's Subjects, under the ſeveral Regulations and Reſtrictions hereafter mentioned, ſo as not to interfere with the Charter to the Hudſon's Bay Company.

2. That for the better Regulation of this Trade, and the Management of Indian Affairs in general, the Britiſh Dominions in North America be divided into Two Diſtricts, to comprehend and include the ſeveral Tribes of Indians mentioned in the annexed Liſts A. and B.

3. That no Trade be allowed with the Indians in the Southern Diſtrict, but within the Towns belonging to the ſeveral Tribes included in ſuch Diſtrict; and that in the Northern Diſtrict the Trade be fixed at ſo many Poſts, and in ſuch Situations, as ſhall be thought neceſſary.

4. That all Laws now in Force in the ſeveral Colonies, for regulating Indian Affairs or Commerce, be repealed.

5. That there be one general Agent or Superintendant appointed by His Majeſty for each Diſtrict.

6. That the Agent or Superintendant for the Northern Diſtrict ſhall be allowed Three Deputies to aſſiſt him in the Adminiſtration of Affairs within his Diſtrict; and that the Agent or Superintendant for the Southern Diſtrict ſhall be allowed Two Deputies.

7. That there ſhall be a Commiſſary, Interpreter, and Smith, appointed by

by his Majeſty to reſide in the Country of each Tribe, in the Southern Diſtrict, and at each Port in the Northern Diſtrict.

8. That it be recommended to the Society for the Propagation of the Goſpel in Foreign Parts to appoint Four Miſſionaries in each Diſtrict, to reſide at ſuch Places as the Agent or Superintendant for each Diſtrict ſhall recommend.

9. That the Commiſſaries, Interpreters, and Smiths in each Diſtrict, do act under the immediate Direction and Orders of the Agent or Superintendant, who ſhall have a Power of ſuſpending them in caſe of Miſbehaviour; and in caſe of Suſpenſion of a Commiſſary, or of a Vacancy by Death, or Reſignation, the Office ſhall be executed until the King's Pleaſure is known by one of the Deputies to the Agent or Superintendant.

10. That the ſaid Agent or Superintendant ſhall have the Conduct of all Public Affairs relative to the Indians, and that neither the Commander in Chief of His Majeſty's Forces in America, nor any of the Governors and Commanders in Chief of any of the Colonies, or Perſons having Military Commands in any of the Forts within each of the ſaid Diſtricts, do hold any General Meetings with the Indians, or ſend any Public Talks to them without the Concurrence of the Agent or Superintendant, unleſs in Caſes of great Exigency, or when the ſaid Agent or Superintendant may be in ſome remote Part of his Diſtrict.

11. That the ſaid Agents or Superintendants do in all Affairs of Political Conſideration, reſpecting Peace and War with the Indians, Purchaſe, of Lands, or other Matters, on which it may be neceſſary to hold any General Meetings with the Indians, adviſe and act in Concert with the Governors (or the Governors and Councils, as the Occaſion may require) of the ſeveral Colonies within their reſpective Diſtricts; and that the ſaid Agents or Superintendants ſhall be Councillors extraordinary within each Colony in their reſpective Diſtricts, in like Manner as the Surveyor General of the Cuſtoms for the Northern and Southern Diſtricts of America.

12. That the Governor or Commander in Chief of every Colony be directed to communicate to the Agent or Superintendant of that Diſtrict, within which his Government lies, all ſuch Information and Intelligence as he may receive reſpecting Indian Affairs, and that the Agents or Superintendants ſhall in like Manner communicate to the Governors all Intelligence and Information, reſpecting the State of Indian Affairs, which may in any wiſe regard the Security and Intereſt of the ſaid Colonies.

13. That no Order ſhall be iſſued by the Governor or Commander in Chief of any of His Majeſty's Colonies, or by any Officer having Military Command in any Forts within the Indian Country, for ſtopping the Trade with any Tribe of Indians, in either of the ſaid Diſtricts, without the Concurrence and Conſent of the Agent or Superintendant for Indian Affairs.

14. That the ſaid Agents or Superintendants ſhall by themſelves, or ſufficient Deputies, viſit the ſeveral Poſts or Tribes of Indians within their reſpective Diſtricts once in every Year, or oftener as Occaſion ſhall require, to enquire into, and take an Account of the Conduct and Behaviour of

of the ſubordinate Officers at the ſaid Poſts, and in the Country belonging to the ſaid Tribes, to hear Appeals, and redreſs all Complaints of the Indians, make the proper Preſents, and tranſact all Affairs relative to the ſaid Indians.

15. That for the maintaining Peace and good Order in the Indian Country, and bringing Offenders in Criminal Caſes to due Puniſhment, the ſaid Agents or Superintendants, as alſo the Commiſſaries at each Poſt, and in the Country belonging to each Tribe, be impowered to act as Juſtices of the Peace in their reſpective Diſtricts and Departments, with all Powers and Privileges veſted in ſuch Officers of any of the Colonies, and alſo full Power of committing Offenders in Capital Caſes, in order that ſuch Offenders may be proſecuted for the ſame; and that for deciding all Civil Actions, the Commiſſaries be impowered to try and determine in a ſummary Way all ſuch Actions, as well between the Indians and Traders, as between one Trader and another, to the Amount of £. 10 Sterling, with the Liberty of Appeal to the chief Agent or Superintendant, or his Deputy, who ſhall be empowered upon ſuch Appeal to give Judgment thereon, which Judgment ſhall be final, and Proceſs iſſue upon it, in like Manner as on the Judgment of any Court of Common Pleas eſtabliſhed in any of the Colonies.

16. That for the eaſy Attainment of Juſtice, the Evidence of Indians under proper Regulations and Reſtrictions, be admitted in all Criminal as well as Civil Cauſes that ſhall be tried and adjudged by the ſaid Agents or Superintendants, or by the ſaid Commiſſaries, and that their Evidence be likewiſe admitted by the Courts of Juſtice in any of His Majeſty's Colonies or Plantations, in Criminal Caſes, ſubject to the ſame Pains and Penalties, in Caſes of falſe Evidence, as His Majeſty's Subjects.

17. That the ſaid Agents or Superintendants ſhall have Power to confer ſuch Honors and Rewards on the Indians as ſhall be neceſſary, and of granting Commiſſions to principal Indians in their reſpective Diſtricts to be War Captains or Officers of other Military Diſtinctions.

18. That the Indians of each Town, in every Tribe in the Southern Diſtrict, ſhall chooſe a Beloved Man, to be approved of by the Agent or Superintendant for ſuch Diſtrict, to take Care of the mutual Intereſts between of Indians and Traders in ſuch Town; and that ſuch Beloved Men, ſo elected and approved in the ſeveral Towns, ſhall elect a Chief for the whole Tribe, who ſhall conſtantly reſide with the Commiſſary in the Country of each Tribe, or occaſionally attend upon the ſaid Agent or Superintendant, as Guardian for the Indians, and Protector of their Rights with Liberty to the ſaid Chief to be preſent at all Meetings, and upon all Hearings or Trials relative to the Indians, before the Agent or Superintendant, or before the Commiſſaries, and to give his Opinion upon all Matters under Conſideration at ſuch Meetings or Hearings.

19. That the like Eſtabliſhments be made for the Northern Diſtrict as far as the Nature of the Civil Conſtitution of the Indians in this Diſtrict and the Manner of adminiſtering their Civil Affairs, will admit.

20. That no Perſon having any Military Command in the Indian Country ſhall be capable of acting as Commiſſary for the Affairs of the Indians

in either of the above mentioned Diſtricts reſpectively, nor ſhall ſuch Perſon, having Military Command, be allowed to carry on Trade with the Indians, or to interpoſe his Authority in any Thing that regards the Trade with or Civil Concerns of the Indians, but to give the Commiſſary, or other Civil Magiſtrate, all Aſſiſtance in his Power, whenever thereunto required.

21. That the ſaid Commiſſaries ſhall keep exact and regular Accounts, by Way of Journal, of all their Tranſactions and Proceedings, and of all Occurrences in their reſpective Departments, and ſhall by every Opportunity communicate ſuch Tranſactions and Occurrences to the Agent or Superintendant in their reſpective Diſtricts, which Agent or Superintendant ſhall regularly, by every Opportunity, correſpond with the Commiſſioners for Trade and Plantations.

22. That the Agent or Superintendant to be appointed for each Diſtrict, as alſo the Commiſſaries reſiding at the Poſts, or in the Indian Country within each Diſtrict, ſhall take an Oath, before the Governor or Chief Judge of any of the Colonies within their reſpective Diſtricts, for the due Execution of their reſpective Truſts; and they, and all other ſubordinate Officers employed in the Affairs of the Indians, ſhall be forbid, under proper Penalties, to carry on any Trade with them, either upon their own Account, or in Truſt for others, or to make any Purchaſe of, or accept any Grants of Lands from the Indians.

23. That for the better Regulation of the Trade with the ſaid Indians, conformable to their own Requeſts, and to prevent thoſe Frauds and Abuſes which have been ſo long and ſo loudly complained of, in the Manner of carrying on ſuch Trade, all Trades with the Indians in each Diſtrict be carried on under the Direction and Inſpection of the Agents or Superintendants, and other ſubordinate Officers, to be appointed for that Purpoſe, as has been already mentioned.

24. That all Perſons intending to trade with the Indians ſhall take out Licences for that Purpoſe, under the Hand and Seal of the Governor or Commander in Chief of the Colony from which they intend to carry on ſuch Trade, for every of which Licences no more ſhall be demanded or taken than Two Shillings.

25. That all Perſons taking out Licences ſhall enter into Bond to His Majeſty, His Heirs and Succeſſors, in the Sum of with One Surety in the Sum of for the due Obſervance of the Regulations preſcribed for the Indian Trade.

26. That every Perſon willing to give Security, and finding a Surety willing, if required, to take an Oath that he is poſſeſſed of Property to double the Value of the Sum he ſtands Security for, ſhall be entitled to a Licence.

27. That every ſuch licenſed Trader ſhall, at the Time of taking out the Licence, declare the Poſt or Truck Houſe at which, or the Tribe of Indians with which, he intends to trade, which ſhall be ſpecified in the Licence itſelf.

28. That no Licence be granted to continue longer than for One Year.

29. That no Perſon trade under ſuch Licence but the Perſon named in it, his Servants or Agents, whoſe Names are to be inſerted in the Margent; and in caſe any of the Servants or Agents named in ſuch Licence ſhall die, or be diſcharged, the ſame ſhall be notified to the Governor by whom the Licence was granted, or to the Commiſſary of the Poſt, or in the Tribe where ſuch Trader carries on ſuch Trade, to the End that the Name or Names of any other Servants or Agents, employed by the ſaid Trader in the Place of thoſe dead or diſcharged, may in like Manner be inſerted in the Margent of the Licence.

30. That all Licences be entered in the Secretary's Office, or other proper Office of Record in each Colony, where they are taken out, for which Entry no more ſhall be demanded or taken than Six Pence for each Licence; and all Perſons to have free Liberty to inſpect ſuch Entry, paying a Fee of Six Pence for the ſame.

31. That Perſons trading with the Indians without a Licence, and without giving the Security above required, or trading at any other Poſts or Places than thoſe expreſſed in their Licences, do forfeit all the Goods they ſhall be found then trading with, and alſo pay a Fine of to His Majeſty, His Heirs and Succeſſors, and ſuffer Months Impriſonment.

32. That all Traders, immediately upon Arrival at the Poſts or Truck Houſes in the Northern Diſtrict, or in the Tribes in the Southern Diſtrict for which Licences have been taken out, and before any Goods are ſold to or bartered with the Indians, do produce ſuch Licences to the Commiſſaries appointed for the Direction and Inſpection of the Trade at ſuch Poſts or Truck Houſes, or in ſuch Tribes.

33. That all Trade with the Indians ſhall be carried on by Tariffs, to be ſettled and eſtabliſhed from Time to Time by the Commiſſaries at the ſeveral Poſts or Truck Houſes, or in the Countries belonging to the ſeveral Tribes in concert with the Traders and Indians.

34. That the Commiſſaries appointed to direct and inſpect the Trade at each Truck Houſe in the Northern Diſtrict ſhall be empowered to fix and preſcribe Limits round each Poſt or Truck Houſe, within which Limits all Trade with the Indians may be commodiouſly carried on in the moſt public Manner.

35. That all Traders have free Liberty to erect Huts and Warehouſes within ſuch Limits, in ſuch Order and Manner as the Commiſſary ſhall, with the Concurrence of the Officer commanding at ſuch Poſt, direct and appoint.

36. That no Trader ſhall traffic or have any Dealings with the Indians, without the Limits preſcribed by the Commiſſary, or other Chief Officer, appointed for the Inſpection and Direction of the Trade.

37. That each Truck Houſe or Poſt of Trade in the Northern Diſtrict be fortified and garriſoned, and that all Traders have free Liberty to retire into ſuch Garriſon with their Effects, whenever any Diſturbance ſhall ariſe, or the Commiſſary at ſuch Poſt ſhall repreſent it to be neceſſary.

38. That

38. That no Trader ſhall ſell or otherwiſe ſupply the Indians with Rum, or other Spirituous Liquors, Swan Shot, or Rifled Barrelled Guns.

39. That in Trade with the Indians no Credit ſhall be given them for Goods in Value beyond the Sum of Fifty Shillings; and no Debt beyond that Sum ſhall be recoverable by Law or Equity.

40. That all Diſputes concerning Weights or Meaſures in the buying or ſelling Goods ſhall be decided by Standard Weights and Meaſures, to be kept in each Poſt or Truck Houſe in the Northern Diſtrict, and each Town in the Southern Diſtrict.

41. That no private Perſon, Society, Corporation, or Colony, be capable of acquiring any Property in Lands belonging to the Indians, either by Purchaſe of, or Grant or Conveyance from, the ſaid Indians, excepting only where the Lands lie within the Limits of any Colony, the Soil of which has been veſted in Proprietors or Corporations, by Grants from the Crown; in which Caſes ſuch Proprietaries or Corporations only ſhall be capable of acquiring ſuch Property by Purchaſe or Grant from the Indians.

42. That proper Meaſures be taken, with the Conſent and Concurrence of the Indians, to aſcertain and define the preciſe and exact Boundary and Limits of the Lands which it may be proper to reſerve to them, and where no Settlement whatever ſhall be allowed.

43. That no Purchaſes of Lands belonging to the Indians, whether in the Name and for the Uſe of the Crown, or in the Name and for the Uſe of Proprietaries of Colonies, be made but at ſome General Meeting, at which the Principal Chiefs of each Tribe claiming a Property in ſuch Lands, are preſent; and all Tracts ſo purchaſed ſhall be regularly ſurveyed by a ſworn Surveyor, in the Preſence and with the Aſſiſtance of a Perſon deputed by the Indians to attend ſuch Survey, and the ſaid Surveyor ſhall make an accurate Map of ſuch Tract, deſcribing the Limits, which Map ſhall be entered upon Record, with the Deed of Conveyance from the Indians.

It is eſtimated that the Annual Expence of ſupporting the Eſtabliſhments propoſed in the foregoing Plan, providing Preſents for the Indians, and other contingent Expences, may amount to about £. 20,000; and it is propoſed to defray this Expence by a Duty upon the Indian Trade, either collected upon the Exportation of Skins and Furs, (Beaver excepted) from the Colonies, or payable by the Traders at the Poſts and Places of Trade, as ſhall upon further Examination, and the fulleſt Information, be found moſt practicable, and leaſt burthenſome to the Trade.

A. LIST

A.

LIST of Indian Tribes in the Northern Diſtrict of North Americ

Mohocks.
Oneidas.
Tuſcaroſas.
Onondagas.
Cayugas.
Senecas.
Oſwegachys.
Nanticokes.
Conoys.
Tuteeves.
Saponeys.
Caghnawagas.
Canaſſadagas.
Arundacks.
Algonkins.
Abenaguis.
Skaghquanoghronos.
Hurons.
Shawaneſe.
Delawares.
Wiandots.
Powtewatamis.
Ottawas.
Chipeweighs, or Miſſiſagis.
Meynomenys.
Folſavoins.
Puans.
Sakis.
Foxes.
Turghtwees.
Kickapous.
Maſcoatens.
Piankaſhaws.
Wawiaghtonos.
Keſkeſkias.
Illinois.
Sioux.
Micmacs.
Norwidgewalks.
Arſeguntecokes.
Penobſcots.
St. Johns.

B. LIST

B.

LIST of Indian Tribes in the Southern Diſtrict of North America.

Cherokees.
Creeks.
Chickaſaws.
Cheictaws.
Catawbas.
Beluxis.
Humas.
Attucapas.
Bayugtas.
Tunicas.
Peluches.
Ofuglas.
Querphas.

N° 7.

COPY of an Article in the Inſtructions to Sir Frederick Haldimand, K. B. in 1778, not contained in the Inſtructions to Guy Carleton, Eſquire, in 1775—Alſo, Copy of a Part of an Article altered from the ſame Inſtructions, in 1775.

AND whereas, in purſuance of the foregoing Inſtructions, Ordinances have been framed and ordained for the Eſtabliſhment of Courts, and directing a proper Mode of adminiſtering Civil and Criminal Juſtice within Our ſaid Province of Quebec, conformable to the Spirit and Intention of the aforeſaid Act of Parliament, intituled, "An Act for making more effectual Proviſion for the Government of the Province of Quebec, in North America;" it is Our Will and Pleaſure that you do from Time to Time, with Our ſaid Council in their Legiſlative Capacities, deliberate upon and frame ſuch Ordinances as the Circumſtances and Condition of Affairs may require, either for continuing and amending, or enforcing ſuch Ordinances as aforeſaid, or making any further or neceſſary Changes and Regulations in the Courts ſo eſtabliſhed, or in the Mode of adminiſtering Juſtice within Our ſaid Province, provided that ſuch Ordinances be ſtrictly conformable to the Act of Parliament aforeſaid, and to the Tenor of theſe Our Inſtructions.

COPY of a Section of the 10th Article of the ſame Inſtructions, altered both in theſe and in the Inſtructions to Lord Dorcheſter, in 1786, from the Inſtructions to Guy Carleton, Eſquire, in 1775.

THAT no Ordinance be paſſed relative to the Trade, Commerce, or Fiſheries of the ſaid Province, by which the Inhabitants thereof ſhall be put upon a more advantageous Footing than any other of Our Subjects, either of this Kingdom or of the Plantations, who have retained their Allegiance.

N° 8.

COPY of ſuch Articles in the Inſtructions to Lord Dorcheſter, in 1786, as are not contained in the Inſtructions to Guy Carleton, Eſquire, in 1775—Alſo, Copy of ſuch Articles or Parts thereof, in the ſame Inſtructions in 1786, as are altered from the Inſtructions to Guy Carleton, Eſquire, in 1775.

15. AND it is Our Will and Pleaſure, that you do from Time to Time, as the Circumſtances and Condition of Affairs may require, with Our ſaid Council in their Legiſlative Capacity, deliberate upon and frame ſuch Ordinances as may be expedient for continuing, amending, or enforcing any Ordinances now in Force, or making any further or neceſſary Changes and Regulations in the Courts of Judicature already eſtabliſhed, or in the Mode of adminiſtering Juſtice within Our ſaid Province, provided that ſuch Ordinances be ſtrictly conformable to the Act of Parliament aforeſaid, and theſe Our Inſtructions.

37. Whereas it will be for the general Benefit of Our Subjects, carrying on the Fiſhery in the Bay of Chaleur, in Our Province of Quebec, that ſuch Part of the Beach and Shore of the ſaid Bay as is ungranted ſhould be reſerved to Us, Our Heirs and Succeſſors, it is therefore Our Will and Pleaſure, that you do not in future direct any Survey to be made, or Grant to be paſſed, for any Part of the ungranted Beach or Shore of the ſaid Bay of Chaleur, except ſuch Parts thereof as by Our Orders in Council, dated the 29th of June and 21ſt of July laſt, are directed to be granted to John Shoolbred, of London, Merchant, and to Meſſrs. Robin, Pipon, and Co. of the Iſland of Jerſey, Merchants, but that the ſame be reſerved to Us, Our Heirs and Succeſſors, together with a ſufficient Quantity of Wood Land adjoining thereto, neceſſary for the Purpoſe of carrying on the Fiſhery; the Limits of ſuch Wood Land ſo to be reſerved to be determined upon and aſcertained by you and Our Council for Our ſaid Province

Province of Quebec in ſuch Manner as from the moſt authentic Information ſhall appear to you and them moſt convenient and proper for that Purpoſe; it is nevertheleſs Our Intention, and We do hereby ſignify to you Our Will and Pleaſure, that the free Uſe of ſuch Beach or Shore, and of the Wood Land ſo to be reſerved, ſhall be allowed by you, or any Perſon authorized by you, to ſuch of Our Subjects as ſhall reſort thither, for the Purpoſe of carrying on the Fiſhery, in ſuch Proportions as the Number of Shallops he or they ſhall reſpectively employ may require; provided that if any Fiſherman who ſhall have Permiſſion to occupy any Part of the ſaid Beach or Shore and Wood Land, for the Purpoſe of the ſaid Fiſhery, ſhall not, during any one Seaſon, continue ſo to occupy and employ any Part of the ſaid Beach or Shore, and Wood Land, ſo allotted to him, you, or any Perſon authorized by you as above, may and ſhall allow the Uſe of ſuch Part to any other Fiſherman who ſhall apply for the ſame, for the Purpoſe of carrying on the Fiſhery.

And whereas it may be neceſſary to eſtabliſh local Regulations to prevent Abuſes, as well as Diſputes and Miſunderſtanding between the Fiſhermen reſorting to the ſaid Beach or Shore, it is Our Will and Pleaſure that you, by and with the Advice and Conſent of Our ſaid Council, do frame ſuch Regulations from Time to Time as to you ſhall appear neceſſary to anſwer theſe ſalutary Purpoſes, and that you tranſmit the ſame to Us through One of Our principal Secretaries of State for Our Pleaſure therein, by the firſt Opportunity.

And Whereas many of Our loyal Subjects, Inhabitants of the Colonies and Provinces now the United States of America, are deſirous of retaining their Allegiance to Us, and of living in Our Dominions, and for this Purpoſe are diſpoſed to take up and improve Lands in Our Province of Quebec: And We, being deſirous to encourage Our ſaid Loyal Subjects in their Intentions, and to teſtify Our Approbation of their Loyalty to Us and Obedience to Our Government, by allotting Lands for them in Our ſaid Province; and whereas we are alſo deſirous of teſtifying Our Approbation of the Bravery and Loyalty of Our Forces ſerving in Our ſaid Province, and who may have been reduced there, by allowing a certain Quantity of Land to ſuch of the Non-commiſſioned Officers and Private Men of Our ſaid Forces, who are inclined to become Settlers therein; it is Our Will and Pleaſure, that immediately after you ſhall receive theſe Our Inſtructions you do direct Our Surveyor General of Lands for Our ſaid Province of Quebec to admeaſure and lay out ſuch a Quantity of Land as you, with the Advice of Our Council, ſhall deem neceſſary and convenient for the Settlement of Our ſaid Loyal Subjects; and the Non-commiſſioned Officers and Private Men of Our Forces which may have been reduced in Our ſaid Province, who ſhall be deſirous of becoming Settlers therein, ſuch Lands to be divided into diſtinct Seigneuries or Fiefs, to extend from Two to Four Leagues in Front, and from Three to Five Leagues in Depth, if ſituated upon a Navigable River, otherwiſe to be run square, or in ſuch Shape and in ſuch Quantities as ſhall be convenient and practicable, and in each Seigneurie a Glebe to be reſerved and laid out in the moſt convenient Spot, to contain not leſs than Three hundred Acres, nor more than Five hundred Acres, the Property of which Seigneuries or Fiefs ſhall be and remain veſted in Us, Our Heirs, and Succeſſors,

and

and you ſhall allot ſuch Parts of the ſame as ſhall be applied for by any of Our ſaid Loyal Subjects, Non-commiſſioned Officers, and Private Men of Our Forces reduced as aforeſaid, in the following Proportions; (that is to ſay)

To every Maſter of a Family One hundred Acres, and Fifty Acres for each Perſon of which his Family ſhould conſiſt.

To every Single Man Fifty Acres.

To every Non-commiſſioned Officer of Our Forces reduced in Quebec Two hundred Acres. To every Private Man reduced as aforeſaid, One hundred Acres; and for every Perſon in their Families Fifty Acres.

The ſaid Lands to be held under Us, Our Heirs and Succeſſors, Seigneurs of the Seigneurie or Fief in which the ſame ſhall be ſituated, upon the ſame Terms, Acknowledgments, and Services, as Lands are held in Our ſaid Province under the reſpective Seigneurs holding and poſſeſſing Seigneuries or Fiefs therein, and reſerving to Us, Our Heirs and Succeſſors, from and after the Expiration of Ten Years from the Admiſſion of the reſpective Tenants, a Quit Rent of One Half-penny per Acre.

41. And whereas, upon the raiſing and eſtabliſhing the Corps, late the Eighty-fourth Regiment of Foot, We did promiſe and declare, that the Officers and Privates of the ſaid Corps ſhould, when reduced, be entitled to and receive Grants for certain Allotments of Lands in proportion to their reſpective Ranks therein; it is Our Will and Pleaſure, that you do in Manner as hereinbefore directed grant Warrants of Allotment and Survey to ſuch of the Officers and Privates of the ſaid late Eighty-fourth Regiment of Foot, now reduced, who ſhall be willing to ſettle and become Inhabitants of Our Province of Quebec, and ſhall apply for the ſame for ſuch Quantities of Land as they ſhall be reſpectively entitled to in conſequence of Our ſaid Promiſe and Declaration contained in Our Inſtructions to Our Governors of New York and North Carolina, dated the 3d of April 1775; (that is to ſay)

	Acres.
To Field Officers — —	5,000
Captains — —	3,000
Subalterns — —	2,000
Non-commiſſioned Officer	200
Privates — —	50

and that the Surveys be made and Grants for the ſame be delivered to them reſpectively free of Expence, as hereinbefore is directed: Provided nevertheleſs, that every Commiſſioned and Non-commiſſioned Officer or Private belonging to the ſaid late Eighty-fourth Regiment of Foot, who ſhall claim and apply for Land in Our Province of Quebec as aforeſaid, ſhall declare upon Oath, that no Land has been obtained by him in any of Our other Provinces in America under Our Royal Declaration as aforeſaid.

42. It is Our further Will and Pleaſure, that every Perſon within the Meaning of theſe Our Inſtructions, upon making Application for Land, ſhall take the Oaths directed by Law before you or Our Commander in Chief for the Time being, or ſome Perſon by you or him authorized for that Purpoſe; and ſhall alſo at the ſame Time make and ſubſcribe the following Declaration (viz.) "I *A. B.* do promiſe and declare, that I will "maintain and defend to the utmoſt of my Power the Authority of the

"King

" King in His Parliament, as the Supreme Legiſlature of this Pro-
" vince:" Which Oaths and Declaration ſhall alſo be taken, made, and ſubſcribed, by every future Tenant before his, her, or their Admiſſion, upon Alienation, Deſcent, Marriage, or otherwiſe howſoever, and upon Refuſal the Lands to become re-veſted in Us, Our Heirs and Succeſſors: And it is Our further Will and Pleaſure, that the Expence of laying out and ſurveying, as well the Seigneuries or Fiefs aforeſaid as the ſeveral Allotments within the ſame, and of the Deed of Admiſſion, ſhall be paid by the Receiver General of Our Revenue in the ſaid Province of Quebec, out of ſuch Monies as ſhall be in his Hands, upon a Certificate from you, or Our Commander in Chief for the Time being, in Council, Oath being made by Our Surveyor General to the Account of ſuch Expence: Provided, however, that only One Half of the uſual and accuſtomed Fees of Office ſhall be allowed to Our ſaid Surveyor General, or any other of Our Officers in the ſaid Province, entitled thereunto, upon any Survey or Allotment made, or upon Admiſſion into any Lands, by virtue of theſe Our Inſtructions.

43. And whereas We have ſome Time ſince purchaſed the Seigneurie of Sorel from the then Proprietors, the Lands of which are particularly well adapted for Improvement and Cultivation, and the local Situation of the ſaid Seigneurie makes it expedient that the ſame ſhould be ſettled by as conſiderable a Number of Inhabitants of approved Loyalty as can be accommodated therein with all poſſible Diſpatch; It is therefore Our Will and Pleaſure, that you do cauſe all ſuch Lands within the ſame, as are undiſpoſed of to be run out into ſmall Allotments, and that you do allot the ſame to the Non-commiſſioned Officers and Private Men of Our Forces, who may have been reduced in Our ſaid Province, or to ſuch other of Our loyal Subjects as may be inclined to ſettle and improve the ſame, in ſuch Proportions as you may judge moſt conducive to their Intereſt, and the more ſpeedy Settlement of Our ſaid Seigneurie; the Lands ſo allotted to be held of Us, Our Heirs and Succeſſors, Seigneurs of Sorel, upon the ſame Conditions, and under the ſame reſerved Rent at the Expiration of Ten Years, as the other Tenants of Seigneuries now hold their Lands, and pay to Us, and alſo of taking the Oaths, and making and ſubſcribing the Declaration as hereinbefore is mentioned and directed; the Expence of making the ſaid Allotments, and of Admiſſion thereunto, to be alſo paid and defrayed in like Manner as thoſe in the Seigneuries directed to be laid out by theſe Our Inſtructions; it is nevertheleſs Our Will and Pleaſure, that the Allotments to be made to ſuch of Our loyal Subjects, from the Provinces or Colonies now the United States of America, as may be diſpoſed to ſettle and improve Lands in Our ſaid Province of Quebec, ſhall be limited to thoſe only who may have withdrawn themſelves from the ſaid Provinces or Colonies, after the ſigning of the Definitive Treaty of Peace with the ſaid United States, and no other: And it is Our further Will and Pleaſure, that a Record be kept in the Office of Our Receiver General of Our Revenue, of every Admiſſion into Lands, as well by virtue of theſe Our Inſtructions with reſpect to Our loving Subjects retiring from the Provinces and Colonies, now the United States of America, and to Our Forces diſbanded as aforeſaid, as in Caſes of future Admiſſion, by Alienation or otherwiſe, a Docquet of which ſhall be tranſmitted Yearly to Us, through One of Our Principal

Secretaries of State, and alſo a Duplicate thereof to Our High Treaſurer, or the Commiſſioners of Our Treaſury for the Time being.

62. And whereas we have made ſufficient Proviſion for the Support of Our Lieutenant Governor of Our ſaid Province of Quebec for the Time being, by the Allowance inſerted in the foregoing Eſtimate; it is Our Will and Pleaſure, when it ſhall happen that when you are abſent from Our ſaid Province that no Part of the Salary, or any Perquiſites and Emoluments which are due unto you, ſhall, during the Time of your Abſence, be claimed by, or paid and ſatisfied to ſuch Lieutenant Governor: And it is Our further Will and Pleaſure, that if Our Lieutenant Governor of the ſaid Province of Quebec ſhould happen to die during ſuch your Abſence, and the Adminiſtration of the Government thereby devolve on the Preſident, or eldeſt Member of Our Council, ſuch Preſident or Councillor ſhall, during his continuing in the Chief Command, receive the Salary or Allowance hereby provided for Our Lieutenant Governor, and no other Allowance, Perquiſite, or Emolument whatever.

COPY of ſuch Articles as are altered in the Inſtructions to Lord Dorcheſter, in 1786, from the Inſtructions to Guy Carleton, Eſquire, in 1775.

2. IT is Our further Will and Pleaſure that any Five of the ſaid Council ſhall conſtitute a Board of Council for tranſacting all Buſineſs in which their Advice and Conſent may be requiſite, Acts of Legiſlature only excepted (in which Caſe you are not to act without a Majority of the Whole); you are, however, not to ſelect or appoint any ſuch Members of Our ſaid Council by Name, to the Number of Five, as you may think fit to tranſact ſuch Buſineſs, or term any ſelect Number of ſuch Members by the Name of a Privy Council, but you are on every Occaſion, where the Attendance of the Members is neceſſary or required, to ſummon all ſuch who may be within a convenient Diſtance: And it is Our further Will and Pleaſure that the Members of Our ſaid Council ſhall have and enjoy all the Powers, Privileges, and Emoluments enjoyed by the Members of Our Councils in Our other Plantations, and alſo ſuch others as are contained and directed in Our ſaid Commiſſion, under Our Great Seal of Great Britain, and in theſe Our Inſtructions to you; and that they ſhall meet together at ſuch Time and Times, Place and Places, as you in your Diſcretion ſhall think neceſſary, except when they meet for the Purpoſe of Legiſlation, in which Caſe they are to be aſſembled at the Town of Quebec only.

7. You are, at your firſt calling together Our Council, to communicate to them ſuch and ſo many of theſe Our Inſtructions, wherein their Advice and Conſent are mentioned to be requiſite, or which contain any Directions as to the framing of Ordinances for the Peace, Welfare, and good Government of Our ſaid Province, as likewiſe all ſuch others from Time to Time as you ſhall find convenient for Our Service to be imparted to them.

Section

Section from the 10th Article. That no Ordinance be paſſed relative to the Trade, Commerce, or Fiſheries of the ſaid Province, by which the Inhabitants thereof ſhall be put upon a more advantageous Footing than any other of Our Subjects, either of this Kingdom, or of the Plantations, who have retained their Allegiance.

13. Whereas an Ordinance hath been paſſed in Our Province of Quebec, intituled, "An Ordinance for ſecuring the Liberty of the Subject, and for "the Prevention of Impriſonments out of this Province;" It is Our Will and Pleaſure that you do take effectual Care that the ſaid Ordinance be duly enforced, ſo that every Security to Perſonal Liberty, which is thereby provided for, may be fully enjoyed by Our Subjects in that Province.

14. Whereas, in purſuance of our former Inſtructions to Our Governors and Commanders in Chief, Courts of Juſtice have been eſtabliſhed within Our Province of Quebec; It is therefore Our Will and Pleaſure that you do take due Care that in all Caſes whatever the Powers and Authorities granted by Us, or by any Ordinance confirmed by Us, to the ſaid ſeveral Courts, be duly obſerved and enforced, and that the Proceedings therein be in all Things conformable to the ſaid Act of Parliament, "for making more "effectual Proviſion for the Government of the Province of Quebec," and to ſuch Ordinances as may have been, or hereafter may be enacted by the Legiſlature for thoſe Purpoſes. [The remaining Part of this Article is verbatim in the 15th Article of the Inſtructions of 1775.]

61. And whereas We are deſirous that a proper Proviſion ſhould be made for the Support of Our Government within Our ſaid Province of Quebec, We do therefore hereby declare it to be Our Royal Intention, that the following Annual Salaries and Allowances be diſcharged and paid out of any Revenues ariſing to Us within the ſame, or out of ſuch Monies as ſhall be granted or appropriated to the Uſes and Services of Our ſaid Province of Quebec; (that is to ſay)

To the Governor per Ann.	£.2,000 — —
Lieut. Governor	1,500 — —
To the Chief Juſtice	1,200 — —
To 6 Judges of Common Pleas £.500 each	3,000 — —
To the Judge of the Admiralty	200 — —
To the Attorney General	300 — —
To the Clerk of the Crown and Pleas	100 — —
To Two Sheriffs, at £.100 each	200 — —
To the Secretary and Regiſter	400 — —
To the Clerk of the Council	100 — —
To the Surveyor of Lands	300 — —
To the Surveyor of Woods	200 — —
To the Commiſſary for Indians	300 — —
To the Captain of the Port	100 — —
To the Naval Officer	100 — —
To the Receiver General of the Revenues	400 — —
To 23 Councillors at £.100 each	2,300 — —
To the Lieut. Governors, or Superintendants at Detroit	500 — —

At

At £. 100 each.

To One Judge of the Inferior Courts of King's Bench and Common Pleas at each of the above Poſts, at £. 100 each Judge.
To an Aſſiſtant or Aſſeſſor at each Poſt, at £. 50 per Ann.
To a Sheriff for each Diſtrict, at £. 20 per
To a Grand Voyer — — — £. 200 — —
To a French Secretary — — — 200 — —
To 4 Miniſters of the Proteſtant Church, at £. 200 per Ann. each — — — 800 — —
To 2 Miniſters of the Church of England ſettled at Sorel and Cataraqui, £. 100 each — — 200 — —
To 2 Schoolmaſters, at £. 100 each — — 200 — —
To an Allowance to the Perſons licenſed to ſuperintend the Romiſh Church — — — 200 — —

To Penſions to the Officers of a Corps of Canadians employed in the laſt War, and diſcharged without any Allowance, as follows, viz.

To Mons^r Rigauville, the Commandant of ſaid Corps 200 — —
To 5 Captains, at £. 100 each — — 500 — —
To 10 Lieutenants, at £. 50 each — — — 500 — —
To the Commandant of the Savages — — 100 — —
To Annual Contingent Expences — — 1,000 — —

N° 9.

(COPIE.)

LA très humble Addreſſe des Citoyens et Habitans Catholiques Romains de differents Etats dans le Province de Quebec, en Canada.

Au ROI.

SIRE,

LES Bontés dont Votre Cœur Royal et Généreux a pris plaiſir à combler Vos fideles et loyaux Sujets Canadiens, les Démarches actuelles et prematurées de Vos anciens Sujets reſidents dans notre Province, et le petit Nombre de Nouveaux qui ſe ſont joint à eux, nous font eſpérer que Votre Très Gracieux Majeſté nous permettra de nous proſterner derechef au Pied de Son Trône, pour implorer Sa Bienfaiſance et Sa Juſtice.

Dans

Dans les Addreſſes que nous avons pris la Liberté de faire paſſer à Votre Majeſté Deux Objets ont eu l'Unanimité de nos Concitoyens; la Religion de nos Pères etoit pour Vos nouveaux Sujets, comme pour tous les Peuples du Monde, le Point eſſentiel de nos Demandes. Animés de cette Confiance, que la Généroſité de notre Souverain nous inſpiroit, nous eſpérions, et nous eſpérons encore, que Votre Majeſté nous accordera les Moyens néceſſaires pour la perpétuer dans notre Colonie: Nous avons, Très Gracieux Souverain, un Beſoin urgent de Prêtres pour remplir les Seminaires et Miſſions de notre Province; des Régents et des Profeſſeurs de cette Claſſe, et de toute autre, nous manquent: Nos Collèges ſont deſerts; de ce Defaut provient l'Ignorance, et de-là la Depravation des Mœurs. C'eſt un Peuple ſoumis, un Peuple fidele, qui attend de Votre Clémence Royale la Liberté de tirer de l'Europe des Perſonnes de cet Etât.

Le Second Objet, Très Gracieux Souverain, étoit, que ſous quelque Forme de Gouvernment qu'il plairoit á Votre Majeſté établir en cette Province, Vos Sujets Canadiens Catholique jouiſſent indiſtinctement de tous les Priviléges, Immunités, et Prerogatives dont les Sujets Britanniques jouiſſent dans toutes les Parties du Globe ſoumiſes à votre Empire. De ce Second Objet s'enſuivoit notre Deſir le plus ardent de voir dans le Conſeil Legiſlatif de notre Province un plus grand Nombre de vos nouveaux Sujets Catholiques, proportionnement à celui qu'ils compoſent; de Perſonnes expertes dans nous Coûtumes, qui devant naturellement mieux connoître nos Loix Municipales, nous en feroient plus efficacement reſſentir les Avantages ſuivant les Intentions Royales de Votre Majeſté, qui nous les á octroyé.

Une Colonie naiſſante, un Peuple très-imparfaitement inſtruit des Loix et Conſtitutions Britanniques, ne croit pas devoir inconſiderément demander des Loix et Coûtumes à lui inconnues; il doit, au contraire, et telle et l'Opinion de Vos Suppliants, s'en rapporter entierement à la Bienveillance de ſon Auguſte Souverain, qui ſait mieux le Gouvernment qui convient à ſes Sujets, et les Moyens les plus propres à les rendre heureux.

Qu'il nous ſoit permis ſeulement d'aſſurer Votre Majeſté que nous ne participons en aucune Manière aux Demandes de Vos anciens Sujets, conjointement avec quelque Nouveaux, dont le Nombre, en Egard à celui qui compoſe notre Province, ne peut avoir beaucoup d'Influence.

Que la majeure Partie des principaux Propriétaires de notre Colonie n'a point été conſultée.

Qu'il Vous plaiſe, Très Gracieux Souverain, conſiderer que la Chambre d'Aſſemblée n'eſt point le Vœu unanime, ne le Deſir général de Votre Peuple Canadien, qui par ſa Pauvreté, et les Calamités d'une Guerre recente, dont cette Colonie a été le Theâtre, eſt hors d'Etât de ſupporter les Taxes qui en doivent néceſſairement reſulter; et qu'à bien des égards leur Petition paroit contraire et inconſiſtante avec le Bonheur de nouveaux Sujets Catholiques de Votre Majeſté.

C'eſt pourquoi, Très Gracieux Souverain, nous Vous ſupplions, qu'en Conſideration de la Fidelité et Loyauté de Vos Sujets Canadiens, dont leur ancien Gouverneur, Sir Guy Carleton, a eclairé la Conduite dans les Circonſtances les plus critiques, il ſoit permis à nos Evêques Dioceſains de

tirer d'Europe les Secours Spirituels, qui nous ſont ſi indiſpenſablement néceſſaires, que le libre Exerciſe de notre Religion ſont continué dans toute ſon Etendue, ſans aucune Reſtriction; que nos Loix Municipales et Civiles nous ſoient conſervées dans leurs Entier; et ces Deux Points, avec les mêmes Prérogatives dont nos Pères et nous jouiſſions avant la Conquête de ce Pays par les Armes victorieuſes de Votre Majeſté; que Vos nouveaux Sujets Catholiques, qui forment les Dixneuf-Vingtieme de cette Province, ayent à l'avenir, en Proportion de cette Nombre, une plus grande Part à la Diſtribution de Vos Faveurs Royales. Et que dans le Cas que Votre Auguſte Volonté fût d'acquieſcer aux Demandes de Vos Anciens Sujets conjointment avec quelques nouveaux, il vous plaiſe ſurſeoir Votre Deciſion Royale juſqu'a ce que tous les Corps et Etâts qui compoſent notre Colonie ayent été généralement et légalement convoqués, ce que la Saiſon trop avancée nous empêche de faire en ce Moment; afin que par ce Moyen le Vœu unanime de notre Nation puiſſe être tranſmis à Votre Majeſté.

C'eſt que Vos fideles et loyaux Sujets Canadiens, fondés ſur Droit Naturel, et plus encore ſur Vos Bontés Paternelles, eſpérent humblement obtenir de leur Très Gracieux Souverain: Ils ne ceſſeront de prier pour la Conſervation de Sa Perſonne Sacrée, pour Son Auguſte Famille, et la Proſperité de Ses Royaumes. Tels ſont les Sentiments qui les font ſouſcrire, avec le plus profond Reſpect,

SIRE,

De Votre Majeſté

Les très-humble, très-obeiſſants,

Fideles et loyaux Sujets.

N° 10.

TRANSLATION.

THE moſt humble Addreſs of the Roman Catholic Citizens and Inhabitants of various Parts in the Province of Quebec, in Canada.

To the KING.

SIRE,

THE Favours which Your Royal and generous Heart has taken Pleaſure in beſtowing upon Your faithful and loyal Canadian Subjects, the preſent and inconſiderate Meaſures taken by Your old Subjects who reſide in our Province, and the inconſiderable Part of Your new ones who have

have joined them, give us Reaſon to hope that Your Moſt Gracious Majeſty will permit us to throw ourſelves again at the Feet of Your Throne, to implore Your Goodneſs and Juſtice.

In the Addreſſes which we have taken the Liberty of tranſmitting to Your Majeſty, Two Objects have met with the unanimous Concurrence of our Fellow Citizens; the Religion of our Forefathers was, in the Opinion of Your new Subjects, as it has been with every People, the eſſential Point of our Demands. Animated with this Confidence, which the Generoſity of our Sovereign created, we did hope, and we ſtill hope, that Your Majeſty will grant us the neceſſary Means to perpetuate it in our Colony: We are, Moſt Gracious Sovereign, in very great Want of Clergy to perform the Duties of the Seminaries and Miſſions in our Province: Regents and Profeſſors of this Claſs, and indeed of every other, are wanting: Our Colleges are forſaken; from this proceeds Ignorance, and from Ignorance Depravity of Manners. A ſubmiſſive, faithful People entertain Hopes of obtaining from Your Royal Goodneſs Permiſſion to bring from Europe Perſons of this Deſcription.

The Second Object, Moſt Gracious Sovereign, was, that under whatſoever Form of Government it ſhould pleaſe Your Majeſty to eſtabliſh in this Province, Your Canadian Catholic Subjects ſhould enjoy all the Privileges, Immunities, and Prerogatives equally with Britiſh Subjects in every Part of the World under Your Empire. From this Second Object naturally aroſe a moſt ardent Wiſh of ſeeing in the Legiſlative Council of our Province a greater Number of Your new Catholic Subjects in a proper Proportion; Perſons well acquainted with our Cuſtoms, who of courſe, knowing better our municipal Laws, would make us more ſenſible of our Advantages, according to the Royal Intentions of Your Majeſty, who has granted them to us.

An Infant Colony, a People very imperfectly acquainted with Britiſh Laws and Conſtitutions, muſt feel that they ought not inconſiderately to aſk for Laws and Uſages to them unknown; they ought, on the contrary, and ſuch is the Opinion of your Petitioners, to refer themſelves entirely to the Kindneſs of their Auguſt Sovereign, who beſt knows the Form of Government ſuitable to His Subjects, and the moſt proper Means to make them happy.

May we only be permitted to aſſure Your Majeſty that we do not in anywiſe join in the Requeſts of Your old Subjects, aſſociated with ſome of Your new ones, the Number of which, conſidering the Total which compoſe our Province, cannot have much Influence.

That the major Part of the principal Proprietors of our Colony have not been conſulted.

Moſt Gracious Sovereign! may it pleaſe you to conſider, that the Houſe of Aſſembly is not the unanimous Wiſh, nor is it the general Deſire of the Canadians, who, from their Poverty, and the Calamities of a recent War, of which this Colony was the Theatre, are unable to ſupport the Taxes which muſt neceſſarily reſult; and that for many Reaſons their Petition appears

pears contrary to, and incompatible with, the Proſperity of Your Majeſty's Catholic new Subjects.

Wherefore, Moſt Gracious Sovereign! we beſeech You, that in Conſideration of the Fidelity and Loyalty of Your Canadian Subjects, to which their former Governor, Sir Guy Carleton, has bore Teſtimony in the moſt critical Circumſtances, it may be permitted for our Dioceſan Biſhops to procure from Europe thoſe Spiritual Succours which are ſo indiſpenſably neceſſary for us; that the free Exerciſe of our Religion may be continued in its full Extent without any Reſtriction; that our Municipal and Civil Laws may be entirely preſerved, and theſe Two Points, with the ſame Prerogatives that our Forefathers and ourſelves enjoyed before the Conqueſt of this Country, by the victorious Arms of Your Majeſty; that Your new Catholic Subjects who compoſe 19-20ths of this Province, may have, in Proportion to this Number, a more conſiderable Share in the Diſtribution of Your Royal Favours: And that in caſe Your Auguſt Pleaſure ſhould be to acquieſce in the Demands of your old Subjects, conjointly with ſome of your new Subjects, You may deign to ſuſpend Your Royal Deciſion until the different Corps and States which compoſe our Colony may be generally and legally convened, which by the Seaſon being too far advanced cannot be done at preſent; in order that by this Meaſure the general Wiſh of our Nation may be tranſmitted to Your Majeſty.

This is what Your loyal and faithful Canadian Subjects, upon the Principle of natural Right, and ſtill more upon the Reliance on Your Fatherly Goodneſs, humbly hope to obtain from their Moſt Gracious Sovereign. They will not ceaſe to pray for the Preſervation of His Sacred Perſon, for His Auguſt Family, and for the Proſperity of His Kingdoms.

Theſe are the Sentiments which impel them to ſubſcribe themſelves, with the deepeſt Reſpect,

SIRE,

Your Majeſty's moſt humble,
Moſt obedient,
Faithful, and loyal Subjects.

N° 11.

COPY of the Petition of the ancient and new Subjects of Canada.

To the KING's Moſt Excellent Majeſty.

The humble Petition of Your Majeſty's ancient and new Subjects, Inhabitants of the Province of Quebec.

May it pleaſe Your MAJESTY,

AFTER the Conqueſt of the Province of Canada by the Arms of Great Britain, Your Petitioners, in Compliance with Your Majeſty's Gracious and Royal Proclamation, bearing Date the 7th Day of October, 1763, ſettled and became eſtabliſhed in the new-acquired Colony of Quebec, in the full Reliance on the Faith of the Crown of Great Britain, as expreſſed in that Proclamation for the Enjoyment of thoſe Laws, that Freedom, and Security, in Canada, which the Principles of the Engliſh Conſtitution afforded in every Part of the Britiſh Dominions in America.

Your Petitioners, and the Inhabitants of the Province, have chearfully, on every Occaſion, obeyed the controuling Power of the Parliament of Great Britain, and with Patience have ſuffered, during a Period of Anarchy and War, rather than wound Your Majeſty's Feelings, or embarraſs the Throne with Remonſtrances and Petitions, at a Time when the Safety of the Nation made ſacred every Moment of Public Deliberation. The Actions and Conduct of Your Petitioners, when truly repreſented, will beſt expreſs to Your Majeſty the Sincerity of their Loyalty and Attachment to the Crown and Government of Great Britain.

Your Petitioners look with Concern on the Burthen of Great Britain, and with great Pain and Commiſeration they ſee the Diſtreſſes of Your Majeſty's loyal Subjects, who, driven from their Eſtates, Wealth, and Poſſeſſions, are daily taking Shelter in this Britiſh Colony; though their unſettled and diſtreſſed Situation may, for the preſent, hinder them from bringing forward their Petitions and their Claims: Your Majeſty will readily perceive that a Government ſimilar or ſuperior to that under which they were born, had lived, and were happy, muſt be conſidered by thoſe Your Majeſty's unfortunate Subjects, as an affectionate Proof of Your Majeſty's paternal Care and Regard for them, and the firſt Comfort which Your Majeſty, in Relief to their Diſtreſſes, can now grant; and the more ſo, as it will be a Bleſſing not merely granted to them, but extended to their Children and Poſterity.

Your Petitioners, fully perſuaded that the Welfare and Happineſs of Your Majeſty's Subjects are Objects of Your Majeſty's ſerious and benign Conſideration, beg Leave to lay their Petition at the Foot of the Throne, and ardently to requeſt Your Majeſty's Interpoſition for the Repeal of the

Quebec Bill; allowing ſuch Privileges as are already granted to the Roman Catholic Religion, as being inadequate to the Government of this extenſive Province, the Cauſe of much Confuſion in our Laws, and fraught with Trouble and Uneaſineſs to Your Majeſty's loyal Subjects here: And that Your Majeſty will be pleaſed to concur in eſtabliſhing Your affectionate Subjects of this Province in the full Enjoyment of their Civil Rights as Britiſh Subjects, and in granting them a free Elective Houſe of Aſſembly.—In theſe Hopes they humbly preſume to ſuggeſt that Clauſes of the following Import may be inſerted in the Act of Parliament which ſhall be made to confirm a free Conſtitution to this Country.

1ſt. That the Houſe of Repreſentatives, or Aſſembly, be choſen by the Pariſhes, Towns, and Diſtricts of the Province, to be compoſed of Your Majeſty's old and new Subjects, in ſuch Manner as to Your Majeſty's Wiſdom may ſeem moſt proper; that the Aſſembly be Triennial, and the Members elected every Three Years.

2d. That the Council conſiſt of not leſs than Thirty Members; and in caſe of Diviſion on any Meaſure before them, that no Act ſhall be paſſed unleſs at leaſt Twelve Members agree to carry the Vote. That the Appointment of the Members may be during their Reſidence in the Province, and for Life, yet ſubject to temporary Leave of Abſence, as mentioned in the 11th Article; and that they ſerve as Councillors without Fee or Reward.

3d. That the Criminal Laws of England be continued as at preſent eſtabliſhed by the Quebec Act.

4th. That the ancient Laws and Cuſtoms of this Country reſpecting Landed Eſtates, Marriage Settlements, Inheritances, and Dower, be continued, yet ſubject to be altered by the Legiſlature of Quebec: And that Owners may alienate by Will, as provided by the 10th Section of the Quebec Bill.

5th. That the Commercial Laws of England be declared to be the Laws of this Province in all Matters of Trade and Commerce, ſubject to be changed by the Legiſlature of Quebec, as in the preceding Article.

6th. That the Habeas Corpus Act, the 31ſt Charles II. be made Part of the Conſtitution of this Country.

7th. That optional Juries be granted, on all Trials in Courts of original Juriſdiction; that they be regularly ballotted for, and a Pannel formed, as in England, either in the Caſe of an Ordinary or a Special Jury, at the Option of the Party applying for the ſame; and that Nine Members out of the Twelve may in Civil Cauſes be ſufficient to return Verdict, ſubject to be modified by the Legiſlature of Quebec, as in the 4th Article.

8th. That the Sheriffs be elected by the Houſe of Aſſembly, and approved and commiſſioned by the Governor at the Annual Meeting of the Legiſlature: That they hold their Appointment during the Period elected for, and their good Behaviour, and that they find reaſonable Security for a faithful Diſcharge of their Duty.

9th. That no Officer of the Civil Government, Judge or Miniſter of Juſtice,

Juſtice, be ſuſpended by the Governor or Commander in Chief for the Time, from the Honors, Duties, Salaries, or Emoluments of his Appointment, but with the Advice and Conſent of Your Majeſty's Council for the Affairs of the Province, which Suſpenſion ſhall not continue after the Annual Sitting of the Council, unleſs it be approved by the ſame; the Cauſe of Complaint if approved, to be thereafter reported to Your Majeſty, for Hearing and Judgment thereon.

10th. That no new Office be created by the Governor or Commander in Chief for the Time, but with the Advice and Conſent of Your Majeſty's ſaid Council, and to be approved at their Annual Meeting, as in the preceding Article.

11th. That all Offices of Truſt be executed by the Principal in the Appointment, unleſs by Leave of Abſence from the Governor, with Advice and Conſent of his Council, which Leave of Abſence ſhall not extend to more than Twelve Months, or be renewed by the Governor, but with the Approbation of the Council at the Annual Seſſion.

12th. That Judges be appointed to preſide in the Courts of the Province, to hold their Places during Life, or their good Behaviour; and that they be rewarded with ſufficient Salaries, ſo as to confine them to the Functions of adminiſtering Juſtice; that every Cauſe of Accuſation for a Removal proceeding from the Governor ſhall follow the Rule laid down in the Ninth Article; and every Cauſe of Accuſation for a Removal on the Part of the Public, ſhall proceed from the Houſe of Aſſembly, and be heard by the Council, which, if well founded, ſhall operate a Suſpenſion, and in either Caſe be decided in Appeal and Report to Your Majeſty.

13th. That Appeals from the Courts of Juſtice in this Province to the Crown be made to a Board of Council, or Court of Appeals, compoſed of the Right Honourable the Lord Chancellor, and the Judges of the Courts of Weſtminſter Hall.

14th. Your Petitioners beg Leave humbly to repreſent to Your Majeſty, that from their Proximity to the United States, who from Situation and Climate have many Advantages over them, the internal Regulations for promoting the Trade, Agriculture, and Commerce of this Province are now become more intricate and difficult, and will require great Care and Attention on the Part of the Legiſlature here to watch over the Intereſts of this Country; they therefore requeſt that the Aſſembly may have the Power of laying the Taxes and Duties neceſſary for defraying the Expences of the Civil Government of the Province; and for that Purpoſe that the Laws now exiſting, laying Taxes and Duties to be levied in the Province, may be repealed.

Such, may it pleaſe Your Majeſty, are the Intreaties and Prayers of Your loyal Subjects; and in full Confidence they truſt that Your Majeſty will relieve them from the Anarchy and Confuſion which at preſent prevail in the Laws and Courts of Juſtice of the Province, by which their real Property is rendered inſecure, Trade is clogged, and that good Faith which ought and would ſubſiſt among the People, and which is the Life and Support of Commerce, is totally deſtroyed; and be graciouſly pleaſed to

ſecure

ſecure to them a Conſtitution and Government on ſuch fixed and liberal Principles as may promote the Deſire Your affectionate Subjects of this Province have, of rendering this mutilated Colony a bright Gem in the Imperial Crown of Great Britain, and that may call on the preſent Generation for their unceaſing Acknowledgments and Gratitude, and upon the future to feel as the preſent, that the Security and Happineſs of the People and Province of Quebec depend on an Union with and Submiſſion to the Crown and Government of Great Britain.

In theſe pleaſing Hopes, Your Petitioners will ever pray, &c. &c. &c.

Quebec,
24th November 1784.

N° 12.

(COPIE.)

OBJECTIONS aux Demandes faites à notre Auguſte Souverain, par l'Adreſſe lue dans une Aſſemblée tenue chez les R. R. P. P. Recolets, le 30 Novembre 1784.

Demandé au Prologue. QUE, conſiderant le Fardeau de la Grande Bretagne, il nous ſoit accordé une Chambre d'Aſſemblée, pour impoſer des Taxes, &c.

Repondu. Que c'eſt avec Douleur certainement, que nous devons regarder le Fardeau de notre Mère Patrie; mais, helas! ce ne peut être qu'une Douleur infructueuſe; car, quel Remède y pouvons nous apporter? Nous! dont les Beſoins renaiſſent chaque Jour! Nous! qui chaque Année nous dépouillons juſqu'au dernier Sol pour payer les Effets (deja conſommés) qu'eſt obligeé de nous fournir cette Mère Patrie! Nous, que, malgré les Sommes énormes que la Guerre à occaſionné, de laiſſer en ce Pays Sommes encore en Arriere avec la Metropole, d'une Balance de Comptes conſiderable. Quelles ſont donc nos Reſſources pour appuyer des Taxes?—Sera-ce ſur les Villes?—Qui ne connoît pas l'Indigence de leur Citoyens.—Sera-ce ſur les Terres?—Qui ne ſçait pas que les Campagnes endetées envers les Villes, n'ont pu juſqu'à préſent ſe liquider; que la Miſère eſt le Partage d'une très-grande Partie de leurs Habitants.—Que ſera-ce donc lors qu'une Partie de leurs Travaux ſera conſacrée pour le Soutien de l'Etat?

Cet Expoſé, vrai dans tous ſes Points, doit convaincre qu'une Chambre d'Aſſemblée pour impoſer des Taxes eſt non ſeulement inutile, mais encore préjudiciable aux Intérêts de cette Colonie.

Article 1. Demandé. Que la Chambre ſoit indiſtinctement compoſée d'anciens et nouveaux Sujets, &c.

Repondu. Cet Article demande une plus grande Extention; car, par ce Mot indiſtinctement, il pourra y avoir autant & même plus d'anciens que de nouveaux

nouveaux Sujets dans la Chambre, ce que ſeroit contraire au Droit Naturel, puis qu'il y a vingt Canadiens contre un ancien Sujet.—Que deviendront nos Droits, confiés à des Etrangers à nos Loix?

Que le Conſeil ſoit compoſé de Trente Membres, ſans Appointements, &c. — Article 2. Demandé.

Que cela ſera bon, s'il ſe trouve aſſez de Riches déſintereſſés pour prendre le Parti du Peuple, l'honnête Indigent étant dans l'Incapacité de donner ſon Temps pour rien. — Repondu.

Que les Loix Criminelles d'Angleterre ſoient continuées, &c. — Article 3. Demandé.

Que la Douceur de ces Loix doivent en faire deſirer la Continuation, mais Demande inutile, puiſque nous les avons. — Repondu.

Que les Loix, Coûtumes, et Uſages de ce Pays, ſoient continuées, ſujettes, neanmoins, aux Altérations que la Legiſlation trouvera néceſſaire, &c. — Article 4. Demandé.

Cet Article eſt contradictoire, en ce qu'il conſtate nos Droits, et les detruits entierement. En Effet, n'eſt ce pas les detruire, que de les ſoumettre aux Altérations que la Legiſlation trouvera neceſſaire d'y faire?—Ne deviendront ils pas arbitraires?—Que pourra t'on ſtatuer ſur les Droits auſſi changeants que les Chambres auxquelles ils ſeront ſoumis? — Repondu.

Que les Loix de Commerce d'Angleterre ſoient déclarées celle de cette Province, ſujettes aux mêmes Altérations que l'Article 4e, &c. — Article 5e Demandé.

Que la Réponſe à l'Article 4e eſt la même pour celui-ci. — Repondu.

Que l'Acte d'Abeas Corpus ſoit en Force, &c. — Article 6. Demandé.

Que notre Auguſte Souverain nous l'ayant accordé, il eſt inutile de l'importuner pour cet Objet. — Repondu.

Que dans les Cours de Juriſdiction il ſoit accordé des Jurés à la Demande des Parties. — Demandé.

Que cet Article eſt entièrement en Faveur du Riche, contre le Pauvre. Si ce ſont des Jurés ordinaires, Pauvres, que deviendront vos Familles, lorſqu'il vous faudra laiſſer vos Travaux, une Partie de l'Année, pour aller décider des Cauſes qui ne vous regardent en rien?—Vous vous plaignez déjà d'être obligés de les interrompre, lorſque vous êtes appellés pour les Affaires Criminelles, ce qui arrive Six Fois l'Anneé. Que ſera ce donc lorſque vous ſerez obligés d'aſſiſter à toutes les Audiences? Quelqu'un dira peut être que cela ſe fait a Londres, qu'en conſéquence on le peut faire dans ce Pays. Que ce quelqu'un compare le Nombre de Citoyens de Londres, ſe montant à Trois Cens Mille Hommes environ, avec Douze Cens tout au plus que vous êtes dans cette Ville et ſes Fauxbourgs. Pour lors il verra que vous ſerez obligés de vous trouver 250 Fois à l'Audience contre Une Fois que ſe trouve le Citoyen de Londres. Jugez par la ſi vous avez d'autre Métier à faire, & que deviendront vos Familles. — Repondu.

Si ce ſont des Jurés Spéciaux (en conſequence payés) quel eſt le Pauvre qui pourra lutter contre un riche Oppreſſeur, Détenteur de ſon Bien; qui, pour l'écraſer, demandera des Jurés (qu'on ne pourra lui refuſer) ne ſera ce

pas mettre le Pauvre dans l'Alternative d'abandonner ſa Cauſe, ou ſe voir totalement ruiner, s'il vient à ſuccomber? On ſe plaint des Frais qu'entraîne la Juſtice. Qui pourra y ſuffire lorſqu'il faudra y joindre la Paye de Douze Juries? N'eſt ce pas fermer la Porte du Sanctuaire de la Juſtice à l'Indigent?

Article 8. Demandé. Que le Cheriffs ſoient élus par la Chambre, approuvés et commiſſionnés par le Gouverneur, &c.

Repondu. Que ſi le Cheriff nommé par la Chambre ne convient pas au Gouverneur, que deviendra l'Adminiſtration des Loix et de la Juſtice?—De là ne s'enſuivra t'il a par un Temps d'Anarchie, prejudiciable aux Intérêts publics.

Article 9. Demandé. Que nul Officier Civil ne pourra être ſuſpendu de ſa Charge par le Gouverneur, ſans le Conſentement du Conſeil, &c.

Article 10. Demandé. Qu' aucune nouvelle Charge Civile ſoit créée par le Gouverneur, ſans le Conſentement du Conſeil, &c.

Article 11. Demandé. Que les Emplois de Confiance ſoient exercés par les Perſonnes mêmes, &c.

Repondu. Que les Trois Articles précédent ſeroient admiſſibles en Temps et Lieu.

Article 12. Demande. Qu'il ſoit nommé des Juges dans les Cours de la Province, qu'ils ayent des Appointements fixes et ſuffiſants, &c.

Repondu. Qu'il eſt juſte d'avoir des Juges pour adminiſtrer la Juſtice, qu'ils aient des Appointements ſuffiſants pour vivre convenablement à leur Etat; car ſans cela ou ils négligeront les Devoirs de leur Charge, pour s'occuper de Soins qui puiſſent les mettre plus à leur Aiſe, ou ils mettront la Juſtice à l'Enchere.

Article 13. Demande. Que les Appels des Cours de Juſtice de cette Province ſoient fait au Lord Chancellier à la Cour de Weſtminſter Hall.

Repondu. Que nous avons eu juſqu'a préſent Recours au Roi, et à ſon Conſeil, qui prenoit nos Loix pour Guides de leur Déciſion. Mais que deviendront tous nos Droits rapportés dans une Chambre qui ne s'écarte en rien des Loix et Conſtitutions Britanniques? Hors, ſi le Conſeil de la Province change vos Loix, et y ſubſtitue celles d'Angleterre, dans quelle Confuſion et Embarras ne nous mettra-t-il pas? Si, au contraire, il les laiſſe ſubſiſter, quel Moyen d'Appel aurons nous dans une Chambre qui y fait une entiere Abſtraction?

Article 14. Demandé. Qu'il plaiſe à Sa Majeſté, pour le Bien du Commerce, et faire fleurir l'Agriculture, revêtir la Chambre d'Aſſemblée du Pouvoir d'impoſer des Taxes, &c.

Repondu. Que cet Article, mûrement conſideré, pourroit donner Matière à bien des Reflexions. Car, qu' y a t'il de Commun entre nos Demandes et cette Proximité, ce Climat, cette Situation des Etats Unis, qui leur donne l'Avantage du Commerce ſur nous? Sera ce pas le Moyen des Taxes qu'on prolongera notre Eté de Trois Mois; qu'on rendra notre Fleuve navigable toute l'Année? Non; donc l'Avantage reſtera toujours chez nos Voiſins.

Sera

Sera ce les Taxes qui feront fleurir notre Agriculture? Non; puiſque les Seigneurs, pour l'encourager, donnent des Terres pour Trois Ans, ſans aucune Redevance, et qu'elles reſtent incultes, faute de Moyens pour les ouvrir.

Qu'eſt ce donc qui peut compenſer leur Avantage ſur nous? C'eſt le Repos dont nos Campagnes ont jouis juſqu'à préſent: Exemptes de Taxes elles ont vus, malgré l'Appreté du Climat, le Fruit de leurs Travaux, et en ont jouis. A cela on répond que les Campagnes ont été moleſtées par le Logement des Troupes, et les Corvées, il eſt vrai; mais les Taxes qu'on leur impoſera les exempteront ils de cela?—Voyons le.

Lorſque le Roi jugera neceſſaires d'envoyer des Troupes dans cette Colonie, pour la Sureté de nos Propriétés; quelqu'un s'y oppoſera-t'il? Non, c'eſt un Droit que le Roi a dans tous ſes Etats, ſans même être obligé d'en rendre Compte. Avons nous des Cazernes en Etat de loger ces Troupes? Non.—Peuvent elles être toute l'Année ſous des Tentes? Non, donc, nous ferons des Cazernes, ou nous les logerons.

Les Troupes menent avec elles un Train conſidérable de Munitions, Vivres, &c. Qui tranſportera ces Effets à leurs Deſtinations? Des Gens de bonne Volonté, dit-on, qu'on payera bien. Vous aurez des Gens de bonne Volonté, il eſt vrai, mais à des Prix ſi exhorbitants, que la Province ne pourra pas ſouffire à cette ſeul Branche de Dépenſe. Les taxera-t'on? Il n'y en aura plus. Donc, pour ne pas arrêter des Travaux auſſi indiſpenſables, on ſera obligé de commander en Conſequence nous ſerons des Corvées.

Quelqu'un dira, peut être, comme il a déjà dit, qu'on prendra ce qu'on appelle Volontaires dans les Campagnes. Voila donc une Claſſe d'Hommes Libres condamnés a l'Eſclavage. N'eſt ce pas aſſez que la Fortune leur ſoit ingrate, ſans encore aggraver leur Malheur par la Servitude? Cela etant inadmiſſible, tout bien conſideré, mûrement examiné, il faut conclurre que les Taxes ne pourront pas nous exempter ni du Logement des Troupes, ni des Corvées; qu'en conſéquence la Chambre pour les impoſer eſt contraire aux Interets de cette Colonie indigente.

Je certifie, que dans le Courant du Mois de Decembre de l'Année 1784, j'ai imprimé aux environ de Deux Cens Exemplaires des Objections ci-deſſus, et environ le même Nombre d'une Adreſſe à Sa Majeſté, en Oppoſition à la Chambre d'Aſſemblée dans le même Eſpèce de Tems.

Montreal,
29 Decembre, 1788.

FL. MESSELET,
Imprimeur.

N° 13.

(TRANSLATION.)

OBJECTIONS to the Requeſts made to Our Gracious Sovereign by the Addreſs read in an Aſſembly, held at the Reverend Fathers Recolets, the 30th November 1784.

Requeſt Introductory. THAT, conſidering the Burthen on Great Britain, we may be allowed a Houſe of Aſſembly to impoſe Taxes, &c.

Anſwer. That it is certainly with Concern that we ought to conſider the Burthens of our Mother Country; but alas! our Concern can be of no Avail; for what Remedy can we offer in Support of them? We! whoſe Wants encreaſe every Day!—We! who every Year ſtrip ourſelves even to the laſt Farthing to pay for thoſe Articles (already conſumed) which we are obliged to take from our Mother Country!—We! who notwithſtanding the enormous Burthens of this Country, occaſioned by the War, are ſtill in Arrear with the Metropolis to a very conſiderable Amount, what are our Reſources for the Support of Taxes? - Are they in our Cities? Who is unacquainted with the Diſtreſſes of Our Citizens?—Are they in the Lands? Who does not know that the Countries indebted to the Cities have not yet been able to diſcharge thoſe Debts, and that Miſery is the Lot of a great Part of the Inhabitants of thoſe Countries?—What then muſt be the Conſequence if a Portion of their Toils is to be applied to the Support of the State?

This Repreſentation, true in all its Points, ought to prove that an Houſe of Aſſembly to impoſe Taxes is not only unneceſſary, but even prejudical to the Intereſts of this Colony.

Article 1. Requeſt. That the Houſe ſhall indiſcriminately be compoſed of ancient and new Subjects, &c.

Anſwer. This Article requires a greater Extenſion Explanation, for, by the Word indiſcriminately, there may be as many and even more ancient than new Subjects in the Houſe, which would be contrary to natural Right: As there are Twenty Canadians to One ancient Subject, what is to become of our Rights, entruſted to Strangers to our Laws?

Article 2. Requeſt. That the Council be compoſed of Thirty Members, without Salaries, Appointments, &c.

Anſwer. That would be very proper, if among the Rich there is a ſufficient Number of diſintereſted Perſons to take the Part of the People, the poor honeſt Man being unable to give his Time for nothing.

Article 3. Requeſt. That the Criminal Laws of England be continued, &c.

Anſwer. That the Mildneſs of theſe Laws ought to make the Continuation of

them deſirable; but it is an unneceſſary Requeſt, as we already enjoy them.

That the Laws, Cuſtoms, and Uſages of this Country be continued, ſubject nevertheleſs to the Alterations which the Legiſlature ſhall find neceſſary, &c. Article 4. Requeſt.

This Article is contradictory, in as much as it both proves eſtabliſhes our Rights, and deſtroys them entirely. Is it not in effect to deſtroy them, to ſubject ſubmit them to the Alterations which the Legiſlature may find it neceſſary to make in them?—Will they not become arbitrary?—What can be enacted on Rights as changeable as the Houſes to which they will be ſubmitted? Anſwer.

That the Commercial Laws of England be declared the Laws of this Province, ſubject to the ſame Alterations as in Article 4, &c. Article 5. Requeſt.

That the Anſwer to Article 4, is the Anſwer to this Article. Anſwer.

That the Habeas Corpus Act be in Force, &c. Article 6. Requeſt.

That our Gracious Sovereign having already granted it to us, it is unneceſſary to trouble him on this Point. Anſwer.

That in the Courts of Juriſdiction, Juries may be allowed at the Requeſt of the Parties. Requeſt 7.

That this Article is entirely in Favour of the Rich againſt the Poor. If they are common Juries, ye Poor, what will become of your Families, if ye are obliged to quit your Labours, for a Part of the Year, to go and decide upon Cauſes which do not at all concern you? You already complain of being obliged to interrupt thoſe Labours when you are called upon for Criminal Affairs, which happens Six Times a Year. How much then will you complain, when you ſhall be obliged to give your Aſſiſtance upon every Hearing? Some may ſay, perhaps, that that is done in London, and conſequently that it may be done in this Country. Let ſuch Perſons compare the Number of the Citizens of London, amounting to about Three hundred thouſand Men, with Twelve hundred, your utmoſt Number in this City and its Suburbs. It will then appear that you will be obliged to give Attendance Two hundred and Fifty Times at Hearings to One Attendance of the Citizen of London. By that you may judge if you can attend to any Thing elſe, and what will become of your Families? Anſwer.

If they are Special Juries (and of courſe to be paid) how is the poor Man to conteſt with a rich Oppreſſor, the Detainer of his Property, who in order to cruſh him will demand a Jury (which cannot be refuſed to him); would it not be forcing him to the Alternative, either of abandoning his Cauſe, or of finding himſelf totally ruined? Should he ſucceed in it, Complaint is made of the Expence of obtaining Juſtice. Who can ſupport it, if obliged to add to it the Payment of a Dozen Juries? Would not this be to ſhut the Door of the Sanctuary of Juſtice againſt the Indigent?

That the Sheriffs ſhall be choſen by the Houſe, and approved and commiſſioned by the Governor, &c. Article 8. Requeſt.

Anſwer. If the Sheriff named by the Houſe be not agreeable to the Governor, what is to become of the Adminiſtration of the Laws, and of Juſtice?

From thence will there not follow a Period of Anarchy, prejudicial to the Public Intereſts?

Article 9. Requeſt. That no Civil Officer ſhall be ſuſpended from his Charge by the Governor, without the Conſent of the Council, &c.

Article 10. Requeſt. That no new Civil Employment ſhall be created by the Governor, without the Conſent of the Council, &c.

Article 11. Requeſt. That the Employments of Truſt be exerciſed by the Perſons themſelves, &c.

Anſwer. That the Three preceding Articles would be admiſſible in Time and Place.

Article 12. That Judges ſhall be appointed for the Courts of the Province, and that they ſhall have ſettled and ſufficient Salaries, &c.

Anſwer. That it being proper to have Judges for the Adminiſtration of Juſtice, they ſhould have Salaries ſufficient for their Support, ſuitable to their Rank; for otherwiſe they will either neglect the Duties of their Office, to attend to Concerns that will place them more at their Eaſe, or they will put Juſtice to Sale.

Article 13. Requeſt. That the Appeals from the Courts of Juſtice of this Province be made to the Lord Chancellor at the Court of Weſtminſter Hall.

Anſwer. That we have hitherto had Recourſe to the King and His Council, who took our Laws for the Guides of their Deciſion. But what will become of all our Rights if ſtated in a Court which in no Inſtance departs from the Britiſh Laws and Conſtitution? Beſides, if the Council of the Province change your Laws, and in their Room ſubſtitute thoſe of England, in what Confuſion and Embarraſſment will you not be placed? If, on the other Hand, they let them remain, what Means of Appeal ſhall we have in a Court entirely differing from them?

Article 14. Requeſt. That it may pleaſe His Majeſty, for the Benefit of Commerce, and to make Agriculture flouriſh, to inveſt the Houſe of Aſſembly with the Power of impoſing Taxes, &c.

Anſwer. That this Article, maturely conſidered, may afford Ground for many Reflections. For what is there in common between our Wants and that Proximity, that Climate, that Situation of the United States, which gives them the Advantage of Commerce over us? Will it be by Means of Taxes that our Summer will be prolonged by Three Months; that our River will be rendered navigable all the Year? No. Then the Advantage will always remain with our Neighbours.—Will it be by Taxes that our Agriculture will flouriſh? No; for our Seigneurs, to encourage Agriculture, grant Lands for Three Years, without any Quit Rent, and which remain uncultivated for Want of the Means of working them.—What is it then that can compenſate their Advantages over us? It is the Quiet which till now our Countrymen have enjoyed, free from Taxes: They have ſeen, notwithſtanding the Nature of our Climate, the Fruits of their Labours, and have

have enjoyed them. To that it is anſwered, that the Countries have been moleſted by the quartering of Troops, and by *Jobs*. It is true; but will the Taxes to be impoſed free them from that?—Let us ſee. *Repairing the Highways.*

When the King ſhall think proper to ſend Troops to this Colony for the Security of our Property, will any one oppoſe it? No; it is a Right which the King has in all His Dominions, without even being accountable for it.—Have we *Cazernes* fit to lodge theſe Troops? No.—Can they be encamped all the Year? No. Then we muſt either make *Cazernes*, or quarter the Troops. *Barracks.* *Barracks.*

If the Troops bring with them a conſiderable Train of Ammunition and Proviſions, &c. who will tranſport theſe Articles to the Places of their Deſtination?—Well-diſpoſed People, it will be ſaid, who will be well paid. You will find well-diſpoſed People, it is true, but at ſuch exorbitant Prices, that the Province will not be equal to this Article of Expence. Will you tax them? You will no longer find any. Then, in order not to delay ſuch indiſpenſable Services, they muſt be done by Command, and in conſequence we muſt *continue the Repairs of Highways.* *Statute Labour.*

It may be ſaid, as has already been ſaid, that what are called Volunteers will be taken in the Countries. Then there will be a Claſs of Free Men condemned to Slavery. Is it not enough that Fortune is unkind to them, without farther aggravating their Misfortune by Servitude? That being inadmiſſible, every Thing maturely conſidered, it muſt be acknowledged that Taxes cannot either exempt us from the quartering of Troops, nor from *Statute Labour*; in conſequence that a Houſe to impoſe Taxes is contrary to the Intereſts of this indigent Colony. *Repairs of Highways.*

I certify, That in the Courſe of the Month of December 1784 I have printed about 200 Copies of the above Objections; and in the ſame Period about the ſame Number of Copies of an Addreſs to His Majeſty, againſt a Houſe of Aſſembly.

Montreal,
29 December 1788.

FL. MESSELET;
Printer.

N° 14.

COPY of a Petition, intituled, "The Petition of Sir John "Johnſton, Bart. and others, in Behalf of the Loyaliſts ſettled "in Canada." Dated London, 11th April 1785; and ſigned by Colonel Gay Johnſon, and others.

To the KING's Moſt Excellent Majeſty.

The Petition of Sir John Johnſton, Baronet, and others, whoſe Names are hereunto ſubſcribed, on Behalf of the Officers and Soldiers of the Provincial Troops and Indian Department, who ſerved under their Command during the late Rebellion; and of the other Loyaliſts, their Aſſociates, who have taken Refuge in Canada.

Moſt humbly ſheweth,

THAT the Perſons of the above Deſcription, animated by your Petitioner's Example, having ſacrificed their Eſtates and Properties in Support of Your Majeſty's Laws and Government, did faithfully ſerve in Canada, and on its Frontiers, till the Reduction of theſe Corps; when being ſtill actuated by the ſame Principle of Loyalty and Affection, they, to the Number of ſeveral Thouſands, reſolved to ſettle within Your Majeſty's Government, on the Lands aſſigned them as a Reward for their Services, and in purſuance of the Proclamation of Your Majeſty's Commiſſioners in the Year 1776; and entered earneſtly on the Improvement thereof, with a Proſpect of making a Proviſion for their Families, and thereby contributing greatly to the Advantage, Strength, and Security of that Province, and to the Increaſe of Your Majeſty's Revenues.

That the Tenure of Lands in Canada is ſuch as to ſubject them to the rigorous Rules, Homages, and Reſervations, and Reſtrictions of the French Laws and Cuſtoms, which are ſo different from the mild Tenures to which they had ever been accuſtomed, and which continue to be enjoyed by the reſt of Your Majeſty's Subjects, has occaſioned a general Diſcontent, and would have induced many to decline accepting their Locations, and to reſolve on abandoning their Enterprize, but for the Influence of Your Petitioners, who had firſt led them into the Service, and on whoſe Endeavours they relied for obtaining, through Your Majeſty's Favour, the Grant of ſuch Terms and Tenures, and the Eſtabliſhment of the ſame Laws, as they formerly enjoyed under the Auſpices of Your Majeſty's Government. In full Confidence of this happy Event they were prevailed upon to perſevere in their Settlements, on which they have already, at ſome Expence, and much Labour, erected Habitations, and cleared Part of the Lands allotted to them.

For the Attainment of theſe Objects, ſo eſſential to the Happineſs of Your Majeſty's faithful Subjects, ſo conducive to the Increaſe of theſe new Settlements,

Settlements, and ſo ſalutary in their Conſequences to the Public, we have, upon mature Deliberation, formed a Plan, which, with the Reaſons in Support of it, we humbly preſume to ſubmit to Your Majeſty's Royal Conſideration.

1ſt. It is propoſed, that the County of Point Boudet, on the Lake St. François, in the River St. Lawrence, and from thence Weſtward, ſhall be comprehended within One Diſtrict diſtinct from the Province of Quebec, under the Government of a Lieutenant Governor and Council, to be appointed by Your Majeſty, with the neceſſary Powers of internal Regulation, but ſubordinate to the Governor and Council of Quebec, in the ſame Manner as the Iſland of Cape Breton now is to the Government of Nova Scotia. This Territory will include all the Settlements made or intended to be made by the diſbanded Corps, and the other Loyaliſts, while it leaves all French Canada and the French Seigneuries as they were before.

2dly. That this Territory ſhall be ſubdivided into ſmaller Diſtricts or Counties, Cataraqui being the Metropolis, with Courts of Juſtice, to be eſtabliſhed by Your Majeſty.

In Support of ſuch an Arrangement, we beg Leave to remark, that it will be productive of the moſt beneficial Conſequences, not only to the Settlers, but to the Nation at large. Whilſt this Territory remains a Part of the Province of Quebec, and the Inhabitants amenable to the Courts of Juſtice there and at Montreal, the Delay and Expence of an Attendance on thoſe Courts, both to Suitors and Witneſſes, will be enormous, the Diſtance from Detroit to Montreal being not leſs than Six hundred Miles, without any Road whatſoever, and the Water Communication exceedingly tedious, precarious, and during the Winter Seaſon abſolutely impaſſable: Crimes will be committed with Impunity, from the Difficulty of Proſecutions; and Civil Remedies in Effect rendered burthenſome from the ſame Cauſes.

The Inhabitants of this Territory, already amounting to ſeveral Thouſands, conceive with all Humility that they have the ſtrongeſt Grounds to hope for ſuch an exempt Juriſdiction as they aſk for: They were born Britiſh Subjects, and have ever been accuſtomed to the Government and Laws of England. It was to reſtore that Government, and to be reſtored to thoſe Laws, for which from Huſbandmen they became Soldiers, animated with the Hope, even in the moſt gloomy Aſpect of Public Affairs, that ſhould they fail in their Attempts to recover their former Habitations by a Reſtoration of Your Majeſty's Government, they would ſtill find a Reſource in ſome Parts of the Britiſh Dominions, where they might enjoy the Bleſſings of Britiſh Laws, and of the Britiſh Government; and they ſtill poſſeſs the greateſt Confidence, that by Your Majeſty's Gracious Interpoſition they will be exempted from the Burthens of French Tenures, which, however congenial they may be to Men born and bred under them, would be in the higheſt Degree exceptionable to Engliſhmen. The Petitioners have the more Confidence in the Succeſs of their Application, from reflecting that they do not aſk for more than has already been granted to their Fellow Sufferers in Nova Scotia, for leſs indeed than is enjoyed by thoſe who are ſettled in the Province of New Brunſwick, and only to be in the ſame

Situation with the Settlers in the Iſland of Cape Breton: A Diſtinction between Men under the ſame Circumſtances of Proſcription, Confiſcation, and Attainder, and who had been invited into the Public Service, and to take Part in the Royal Cauſe, by the ſame Aſſurances of Protection, and the ſame gracious Offers of Rewards, in the One Caſe continuing to Settlers the Bleſſings of the Britiſh Conſtitution, and in the other ſubjecting them to the Hardſhips of French Tenures and French Laws, they truſt will not be permittted by a Gracious Sovereign, who is the Father of all His People.

In Conſideration of the vaſt Extent of this Territory, along an important and valuable Communication, which is not only the Channel of the Fur Trade, but the Reſidence of thoſe Nations of Indians who took Part in Support of the Royal Cauſe, the Security, Growth, and Extenſion of theſe Settlements, muſt evidently be an Object of the utmoſt Conſequence, not only as it will moſt eſſentially ſecure and promote that Trade, but as it will preſerve thoſe Indians in their Adherence to Your Majeſty. The United States are duly impreſſed with this Idea, and have already manifeſted a Purpoſe of ſupplanting us in the Friendſhip of the Indians; and unleſs they are counteracted, the Britiſh Intereſt with thoſe Nations will very rapidly decline. We humbly preſume that effectually to counteract them nothing would be ſo conducive as the Eſtabliſhment of a liberal Syſtem of Tenure, Law, and Government in this new Settlement; this would beſt contribute to the Growth and Increaſe of it; for, while it would ſtimulate the Adventurers themſelves to the moſt vigorous Exertions, it would invite and encourage Emigration to it; for as the preſent Inhabitants before the Rebellion principally reſided in the now United States, their extenſive Connections there, from their Attachment to Your Majeſty, their ancient Predilection in favour of the Britiſh Government, their Diſlike of the Republican Governments they now live under, as well as from their Family, and Perſonal Attachments, would be ſtrongly induced to remove to this new Colony: Should Your Majeſty graciouſly vouchſafe Your Royal Protection to theſe Settlements, we are confident that in every Competition for the Favour of the Indians Your Majeſty will have a decided Advantage, not only from the Influence which many of Your Petitioners are known to have over them, but becauſe Numbers of the preſent Settlers have long been in Habits of Friendſhip and mutual good Offices with them, ſharing the ſame Dangers, and fighting in the ſame Cauſe, and whoſe former Prepoſſeſſion would thus, by Means of a familiar and conſtant Intercourſe with Your Majeſty's faithful Subjects, be beſt preſerved and rendered permanent.

Upon the Whole, whether we conſider the Relief and Proſperity of the Settlers as Sufferers in the Cauſe of their King and Country, for whom Your Majeſty has ever expreſſed ſo benevolent a Diſpoſition, or the Advancement of the Settlement, as conducive to the Benefit of the Nation, in either View, and much more in both Reſpects, do we conceive that the Plan now propoſed is ſuch an One as will merit and obtain Your Royal Attention and Patronage.

For our Part, we conceive ourſelves bound by the ſtrongeſt Ties to uſe every Endeavour in our Power to promote the Wiſhes of theſe People: It

was by our Example that Numbers of them were induced to quit their former Poſſeſſions, and to take up Arms, by which they have been deprived of their Property, and baniſhed from their Country; and it was from their Expectation of the Succeſs of our Repreſentation to their Sovereign, that they have entered upon the arduous Undertaking of forming Settlements in a wild and inhoſpitable Country: Well knowing the Diſpoſition of theſe People, and the Habits in which they have been bred, we think it our Duty moſt reſpectfully to declare it to be our Opinion, that unleſs they can obtain the Object they are in Purſuit of they will be diſcouraged from carrying on their preſent Enterprize, and prefer ſome other Part of Your Majeſty's Dominions, where they may enjoy the Bleſſings of the Britiſh Conſtitution, but where perhaps they would not be equally uſeful as they will be in their preſent Situation, ſhould they receive the Protection they ſolicit.

Your Petitioners, therefore, impelled by Motives of Humanity towards a Number of diſtreſſed Families, by a Senſe of Honor and Juſtice to a Set of deſerving Men, who placed Confidence in them, and to whoſe eventual Loſs of Property and Reverſe of Fortune they conſider themſelves in a great Degree acceſſary, and at the ſame Time by a Conviction of the public Utility of the Meaſure, moſt humbly implore Your Majeſty that the Bleſſings of the Britiſh Laws and of the Britiſh Government, and an Exemption from the French Tenures, may be extended to the aforeſaid Settlements.

London,
11th April 1785.

(Signed)

GAY JOHNSON, Col. 6 Nations, and Superintendant of their Affairs.

ROBT LEAKE, Major late 2d Battn K. R. Regt New York.

JOHN BUTLER, Lt Colonel Commanding late Rangers.

JOHN MUNRO, Capt. late 1st Battn K. R. Regt New York.

EBEN JESSUP, late Lt Col. Commanding King's Loyal Americans.

P. DALY, Capt. late 1st Battn K. R. Regt New York.

JAMES GRAY, late Major K. R. Regt New York.

THOS GUMMERSAL, Captn late 1st Battn K. R. Regt New York.

EDW. JESSUP, Major Commandt late Corps of Royal Rangers.

N° 15.

COPIE du Memoire dés Avocats et Notaires de la Province de Quebec. A Quebec, 18° Juin 1785.

AU ROI.

Très humble Repréſentation des Avocats et Notaires en la Province de Quebec.

QU'IL plaiſe à Votre Majeſté conſiderer que Vos Supplians, voués dés leur tendre Jeuneſſe à l'Etude et Pratique des Loix et de la Juſtice, ont en toutes Occaſions notamment, en celles des Troubles de l'Amerique, et pendant le Blocus de la Ville de Quebec, prouvé l'Amour, la Fidelité, et rempli les Devoirs dûs à Votre très Gracieuſe Majeſté. Perſonne ne peut mieux l'atteſter que Sir Guy Carleton, ci-devant Gouverneur, les Honorables Cramahé, ſon Lieutenant, et Thomas Dunn, Membre du Conſeil Legiſlatif de cette Province, qui ſont actuellement à Londres, et qui ont été les Exemples et les Temoins de la bonne Conduite des Supplians, au Nombre de Vos Officiers Civils, et de Vos meilleurs Sujets.

Pauvre de Biens, mais riches en la Juſtice et Protection de Vôtre Majeſté, l'Honneur, la Science des Loix, leur Aſſiduité au Barreau, et dans leur Office de Notaire, enfin la Confiance des notables Seigneurs et Propriétaires de Terre en cette Province, faiſoient la Richeſſe ineſtimable; et la Conſervation de Vos très humbles Supplians et de leur Famille en un Rang mediocre mais honorable, la Continuation même des Loix Municipales que Votre Juſtice Royale, et votre ſage Parlement, ont allouée au Canada comme Pais conquis, qui à conſtament ſuivi ſa Coûtume pour la Propriété de Terres, les Droits d'Heritage, et autres neceſſairement établis depuis le premier Etabliſſement, et la Capitulation de cette Province, ſembloient aſſurer leur Etat, et la rendre inviolable; mais l'Ordinance, Chap. IV. du Conſeil de Quebec, paſſée en ſa derniere Seſſion, qui peut être actuellement ſe dévelope pour recevoir de Votre Majeſté ſon Approbation neceſſaire, ou ſa juſte Rejection, tend à ruiner Vos reſpectueux Supplians, et en leur Honneur et en leur anciennes Profeſſions, puis qu'elle les priveroit de l'une entier, et pour avoir fidèlement ſervi dans les deux, ne leur laiſſeroit preſque rien à faire dans l'autre, ſans aucun Avantage à votre Province cherie.

Les Regiſtres public conſtatent que depuis plus qu'un Siècle et Demi juſque préſent, les Notaires en Canada, quoique autrefois ſoutenus d'une Penſion Annuelle de Gouvernement, pratiquoient au Barreau à l'inſtar des Notaires à la Fois Avocats ou Practiciens dans les Provinces, parceque la Pauvreté ordinaire des Citoyens de Province exige la Brieveté dans l'Expedition des Tranſactions et des Procès, et ne peut nourrir l'Etude et la Pratique

Pratique ſeparée de ces Deux Profeſſions pour ſoutenir par une ſeule l'Officier qui y ſeroit borné.

En Effet les Notaires qui n'avoient pas ſuffiſement la Science d'un Avocat, et la Pratique du Barreau, ou qui avoient eu le Malheur d'être admis lorſque les Gouverneurs multiplioient les Commiſſions, quoique le Nombre des Notaires et le Barreau ou reduits, faute de Pratiques ſuffiſantes, à un extreme Pauvreté.

Cette Ordinance paſſée à Quebec en Conſeil clos, en Motions et Debats ſecrets, ſans Repreſentations du Peuple de Votre Majeſté, ni de vos Supplians, n'a pû obtenir l'Acquieſcement momentané de ſon Honneur Henry Hamilton, votre bien-aimé Lieutenant Gouverneur en cette Province, que pour la ſoumettre à Votre Juſtice et Autorité Royal, ne doutant point que les Lumieres et la Sageſſe de notre Chef cheri, et qui ne s'attache qu'à notre Bonheur, ne nous ſoient actuellement favorable aupres de Votre Trône. Vos Supplians etoient dans la plus profonde Paix et la plus grande Securité lorſque cette Ordonnance à été publiée, ainſi que pluſieurs autres, qui ont alteré les anciennes Loix Municipales de cette Province. Aucun Abus, aucune Plainte contre vos Supplians, aucune Preuve, aucune Neceſſité de les priver de l'une de leurs Commiſſions, qu'ils ne tiennent que de Votre Prerogative Royale, du contraire une Léſion conſiderable en les excluant de l'une de leurs Profeſſions, et de ne pouvoir operer par l'autre parcequ'ils ont plaidé ou paſſé des Accords dans les Affaires de Famille de leurs meilleurs Clients, de ſorte que vos Supplians reſteroient avec l'Ombre de la ſeule Profeſſion que leurs anciens Travaux leur rendroient par l'autre infructueuſe ou a Charge, ſi les 6, 7, et 8 Articles de cette nouvelle Ordonnance avoient lieu. Elle à un Effet retroactif, et des Conſéquences infinies; elle nà été conclue qu'entres peu de Tems à la fin de la Seſſion, lors que le Conſeil n'étoit compoſé que de Quinze Membres, après avoir laiſſé partir pluſieurs de plus éclairés et de plus prudents quoiqu'ils ne puiſſent être moins de Dix-ſept. Enfin elle n'a paſſé qu'à la Pluralité d'une ſeule Voix. Si cette Ordonnance avoit lieu, vos Supplians, l'un Notaire depuis Quarante Ans, l'autre depuis Vingt-ſept, et les autres depuis pluſieurs Années Avocats et Notaires, n'auroient d'autres Reſſources que de vendre à bas Prix leurs Livres de Loix, ſervir de Clercs aux Officiers de nouvelle Création, exempts des Incapacités prononcés contre leurs anciennes Pratiques, et pleurer les Dépenſes que leur Pères ont faits pour leur Education, au lieu d'en avoir employé la Valeur à leur laiſſer une Terre à cultiver.

Les Supplians de Votre Majeſté oſent ſe referer et ſoumettre au Moyens que Sept de plus anciens et des plus integres Membres de ce Conſeil ont employés, et qui peuvent par écrit bien infirmer les Diſpoſitions de cette Ordonnance. L'Honorable Thomas Dunn, ancien Citoyen, Membre qui étoit à la Seſſion où cette Ordonnance fut propoſée, et Juge depuis Quinze Ans, qui eſt généralement reſpecté et aimé pour ſon Integrité et ſon Amour pour la Vérité, ne peut nous refuſer ſon precieux Temoignage. Nos Deux Profeſſions ne ſont pas plus incompatibles que celle d'un Medecin, qui, pour ſoulager ſes Malades pauvres, fait à la Fois l'Exerciſe du Chirurgien et de l'Apothicaire. Nous flattons que Votre Juſtice et Autorité Royale rejettera les 6, 7, et 8 Articles de cette Ordonnance, et nous accordera

une Indemnité pour la Privation réelle de nos deux anciennes Profeſſions, et nous neceſſons de prier pour Votre Majeſté.

J. CINQUEST. BARTHELOT BARTIGNY.
A. PANET. CHA. STEWART.
T. DESCHENAUX, pour eux, et Confreres de Montréal.

Quebec,
18 Juin 1785.

N° 16.

TRANSLATION of the Memorial of the Advocates and Notaries of the Province of Quebec.

Quebec, 18th June, 1785.

To the KING.

The moſt humble Repreſentation of the Advocates and Notaries of the Province of Quebec.

THAT it may pleaſe Your Majeſty to conſider that Your Petitioners, devoted from their earlieſt Infancy to the Study and Practice of Law and Juſtice, have on all Occaſions, eſpecially during the Troubles in America, and the Blockade of the City of Quebec, teſtified their Love and Fidelity, and fulfilled their Duty to Your Moſt Gracious Majeſty.

The Truth of this cannot be better atteſted than by Sir Guy Carleton, heretofore Governor, the Honourable Cramahé, his Lieutenant, and Thomas Dunn, Member of the Legiſlative Council of this Province, who are actually in London, and who have been Examples and Witneſſes of the good Conduct of the Petitioners, amongſt the Number of your Civil Officers, and your beſt Subjects.

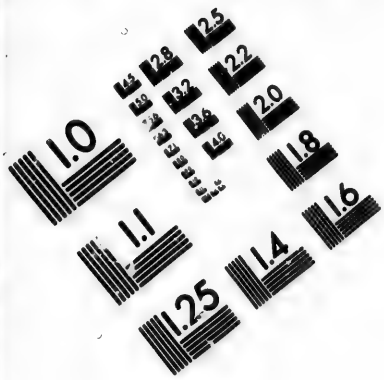
Poor in Fortune, but rich in the Juſtice and Protection of Your Majeſty, Honour, the Study of Law, their Aſſiduity at the Bar, and in their Office of Notary; in ſhort, the Confidence of the chief Lords and Proprietors of Eſtates in this Province, formed the ineſtimable Riches of Your moſt humble Petitioners, and of their Families, in a moderate but honourable Rank; even the Continuance of the Municipal Law, which Your Royal Juſtice, and the Wiſdom of Your Parliament, have allowed Canada as a conquered Country, who has conſtantly preſerved her Cuſtom of Property in Eſtates, the Rights of Inheritance, and others neceſſarily eſtabliſhed ſince the firſt ſettling and Capitulation of that Province, ſeemed to aſſure their State, and to render it inviolable; but the Ordinance, Chap. 4, of the Council

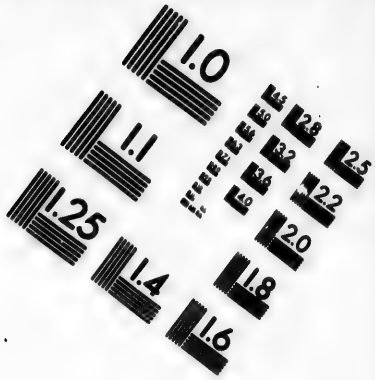
Council of Quebec, paſſed laſt Seſſion, which perhaps is actually clearing itſelf to receive Your Majeſty's neceſſary Approbation or juſt Rejection, tends to ruin Your reſpectful Petitioners both in their Honour and in their antient Profeſſions, ſince it will deprive them wholly of one, and for having ſerved faithfully in both will ſcarce leave them any Thing to do in the other, without any Advantage reſulting to Your cheriſhed Province.

The public Regiſters ſtate, that for upwards of a Century and a Half to this Period the Notaries in Canada, though formerly maintained by an Annual Penſion from Government, pleaded at the Bar in the ſame Manner as the Notaries, at once Advocates or Practitioners in the Provinces, becauſe the uſual Poverty of the Provincial Citizens requires a quick Diſpatch in the Tranſactions and Proceſs, and cannot nouriſh the Study and Practice ſeparated from theſe Two Profeſſions, to ſuſtain by One alone the Officer who ſhall be confined to it. In fact, the Notaries who were not ſufficiently verſed in the Knowledge of an Advocate, and the Pleadings at the Bar, or who had the Misfortune to be admitted whilſt the Governors multiplied the Commiſſions, although the Number of Notaries was paid by the Laws of that Province, have been forced to abandon their Profeſſion of Notary and the Bar, or reduced for Want of Practice to extreme Poverty.

This Ordinance paſſed at Quebec in cloſe Council, in ſecret Motions and Debates, without being repreſented to Your Majeſty's People, or to Your Petitioners; they could only obtain the momentary Acquieſcence of his Honour Henry Hamilton, Your well-beloved Lieutenant Governor in that Province, to ſubmit it to Your Juſtice and Royal Authority, not doubting that the Penetration and Wiſdom of our cheriſhed Chief, who attaches himſelf ſolely to our Welfare, are at this Moment favourable to us at Your Throne. Your Petitioners were in the moſt profound Peace and the greateſt Security when this Ordinance was publiſhed, as well as ſeveral others, which have altered the ancient Municipal Laws of this Province. Any Grievances, any Complaints againſt your Petitioners, any Proof, any Neceſſity to deprive them of One of their Commiſſions, which they hold but by Your Royal Prerogative; on the contrary, a conſiderable Wrong in excluding them from One of their Profeſſions, and of not being able to work by the other, becauſe they have pleaded or paſſed Agreements in the Affairs of the Families of their beſt Clients; ſo that Your Petitioners would be left with the Shadow of the only Profeſſion that their ancient Labours would give them, by the other unprofitable or chargeable, if the 6th, 7th, and 8th Articles of that new Ordinance took Place: It has a retro-active Effect, and of infinite Conſequence; it has not been concluded but within a little Time of the End of the laſt Seſſion, when the Council was compoſed of but Fifteen Members, after having let many of the moſt enlightened and prudent depart, though they ſhould not be leſs than Seventeen: At laſt it paſſed but by the Plurality of One ſingle Voice. If that Ordinance took Place, Your Petitioners, the One a Notary above Forty Years, another above Twenty-ſeven, and others for many Years Advocates and Notaries, would have no other Reſource than to ſell their Law Books at a low Price, and ſerve as Clerks to the Officers of the new Creation, exempted by the Incapacities pronounced againſt their ancient Practice, and lament the Expences which their Fathers have been at for

their





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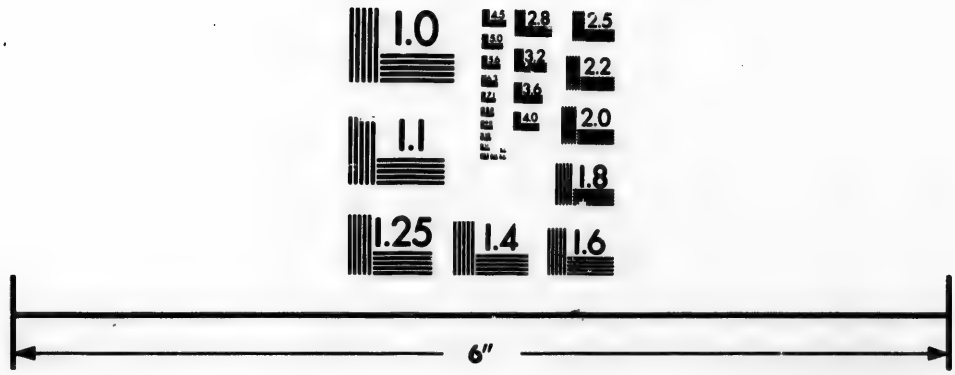

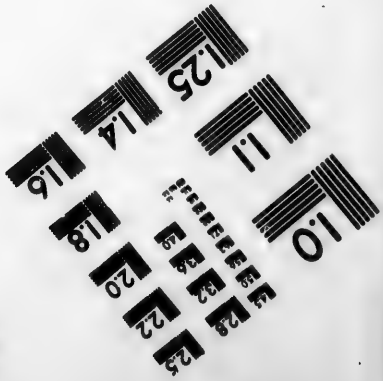

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their Education, inſtead of having employed the Value to purchaſe them Lands to cultivate.

Your Majeſty's Petitioners dare to refer and ſubmit to the Means which Seven of the moſt ancient and moſt honeſt Members of that Council have employed, and which may, by writing them down, much weaken the Diſpoſitions of that Ordinance. The Honourable Thomas Dunn, an ancient Citizen, a Member who was at the Seſſion when that Ordinance was propoſed, and a Judge upwards of Fifteen Years, who is univerſally reſpected and beloved for his Integrity and his Love for Truth, cannot refuſe us his precious Teſtimony. Our Two Profeſſions are not more incompatible than that of a Phyſician, who, to relieve his poor Invalids, is at once Surgeon and Apothecary. We flatter ourſelves, that Your Juſtice and Authority Royal will reject the 6th, 7th, and 8th Articles of that Ordinance, or grant us an Indemnity for the real Privation of our Two ancient Profeſſions, and we ſhall not ceaſe to pray for your Majeſty.

J. CINQUEST. BARTHELOT BARTIGNY.
A. PANET. CHAR^{S} STEWART.
J. DESCHENAUX, for them, and Brother Members of Montreal.

Quebec,
18 June 1785.

N° 17.

EXTRACTS of the Addreſs of the Inhabitants at and above Cataraqui, to the Right Honourable Lord Dorcheſter, 17th November 1786.

A Circumſtance highly pleaſing to us is, that the whole Body of Loyaliſts have the common Happineſs of being placed under your Lordſhip's Government; and from your Lordſhip's great Wiſdom, intimate Knowledge of their Intereſts and Expectations, and the particular Attention paid by your Excellency to their Concerns on former Occaſions, we have formed the moſt ſanguine Hopes that we, who are ſettled on the Frontiers of this Province, will be conſidered as Members of the ſame Body, and be bleſſed with the ſame Privileges and Indulgencies as have been granted to our Fellow Sufferers and Fellow Subjects in the other new-formed Settlements in Britiſh America.

The

The uniform and generous Attention of Government to our Affairs, and the Encouragement and Patronage we have received from your Lordſhip's worthy Predeceſſors, will not permit us to entertain a Doubt, but under your Lordſhip's Auſpices our moſt valuable Intereſts will be ſecured, and every reaſonable Expectation gratified.

N° 18.

COPY of Petition of Inhabitants from Point au Boudet, on Lake St. Francis, Weſtward as far as Niagara, April 15th 1787.

To His Excellency the Right Honourable Guy Lord Dorcheſter, Captain General and Governor in Chief of the Colonies of Quebec, Nova Scotia, and New Brunſwick, and their Dependancies, and Vice Admiral of the ſame, General and Commander in Chief of all His Majeſty's Forces in the ſaid Colonies, and the Iſland of Newfoundland.

The Petition of the Subſcribers reſiding in the new Settlement, in Behalf of themſelves and the Inhabitants at large in the reſpective Townſhips from Point au Boudet, on Lake St. Francis, Weſtward as far as Niagara;

Humbly Sheweth,

THAT your Petitioners, impreſſed with the moſt lively Sentiments of Gratitude, beg Leave, through the Channel of your Lordſhip, to offer their ſincere and united Tribute of Thanks to their Moſt Gracious Sovereign, for the ſingular and multiplied Favours conferred on them; at the ſame Time they preſume that your Lordſhip will, with your wonted Goodneſs, intereſt yourſelf in regard to ſome Propoſitions they have to make, which, with Submiſſion, they conceive are very eſſential to promote the Happineſs of the People, and facilitate the Progreſs of the Settlement; and they humbly hope, that what your Lordſhip cannot with Propriety grant yourſelf, you will be ſo condeſcending as to recommend to His Majeſty, for His Royal Approbation and Conſent.

1ſt. It is the confirmed Opinion of your Petitioners, from the fulleſt Conviction, that if the Bleſſings of the Britiſh Conſtitution were extended to this Infant Settlement, and their Lands granted according to Engliſh Tenures, ſuch a Change would produce many happy Effects; among the reſt, to augment the Happineſs of the People, to ſtrengthen the Bands as well as the Intereſt of Government, to give a Spur to Induſtry, to Population, and Commerce, and damp the Hopes and the Expectations of their Enemies; at the ſame Time they muſt confeſs it is not without ſome Degree of Envy that they reflect on Privileges and Indulgencies granted to their Fellow Sufferers in Nova Scotia which they themſelves do not enjoy, eſpecially when the ſame Motives which engaged them in the honourable and glorious Cauſe of defending the Rights of their Sovereign, and the Dignity of the Nation, places them on the ſame Footing, and gives them equal Pretenſions; but notwithſtanding they reſt ſatisfied in the Hope that your Lordſhip's Repreſentation of their Situation will induce His Majeſty to interpoſe His Royal Favour in their Behalf, to remove all Cauſe of Jealouſy, and crown the Happineſs of your Petitioners; the Arrangement for this Purpoſe ſo anxiouſly wiſhed for, and the Arguments in Support of it, are ſo well deſcribed in a Petition drawn up by Sir John Johnſon and others, in Behalf of themſelves and the Loyaliſts at large in this Province (and preſented to His Majeſty in Council the 11th April 1785) renders it unneceſſary to add any Thing further on the Subject at preſent, except to beg Leave to refer your Lordſhip to the aforeſaid Petition, and to tranſmit you a Copy, which will accompany this.

2d. Your Petitioners pray for ſome Aſſiſtance in eſtabliſhing the Church of England and Scotland in this Infant Settlement, and that a Glebe of Four hundred Acres of Land in each Townſhip may be ſet apart for a Clergyman.

3d. They pray for ſome Aſſiſtance towards eſtabliſhing a School in each Diſtrict, *viz.* New Johnſtown, New Oſwigatachie, Cataraqui, and Niagara, for the Purpoſe of teaching Engliſh, Latin, Arithmetic, and Mathematics.

4th. They pray for a Prohibition of Pot and Pearl Aſh and Lumber from the State of Vermount, to prevent a Door being opened for an illicit Trade from the United States, which would be a Detriment to the Province in general, to this Settlement in particular, and only beneficial to a few intereſted Individuals; they alſo pray for a Bounty to be laid on the above Articles, as well as on Hemp, in order to ſtimulate their Induſtry, and encourage their internal Trade.

5th. They pray that Government will be ſo generous, in Addition to former Bounties, to grant them a Loan of Three Months Proviſions, conſiſting of the Article of Pork only, to be paid by the Settlers in Three Years, under ſuch Reſtrictions and Obligations as may be thought moſt expedient to inſure the punctual Payment of the ſame.

6th. They beg to inform your Lordſhip, that a Number of the Inhabi-

tants

tants who have been in the Service are ſo unfortunate as not to have drawn any Clothing, by Reaſon of their not being in the Province at the Periods when it was iſſued; and that others, who cannot be put in this Claſs, are yet, notwithſtanding, on Account of their diſtreſſed Situation, rendered Objects deſerving of ſuch an Indulgence.

7th. They pray, that ſome Plan may be adopted to expedite the Buſineſs of running the Diviſion Lines in the reſpective Townſhips, to prevent the Increaſe of an Evil already experienced on Account of that not being done.

8th. They pray that a Poſt Road may be eſtabliſhed from Montreal to Cataraqui, with Poſt Officers for Letters, &c. at New Johnſtown, New Oſwigatchie, and Cataraqui.

9th. They pray that a Paſſage may be opened from the Head of the Bay of Quinty through Lake Huron, for the Benefit of the Indian Trade, a Channel which at the ſame Time that it is univerſally acknowledged to be ſuperior to the old, holds out a Proſpect of the moſt flattering Advantages, not only to the Commerce of this Province in general, but to this Settlement in particular. It is alſo humbly requeſted, that the Shipping may be allowed to rendezvous at Cataraqui, and the Inhabitants have free Uſe of the Lakes for whatever Craft they may chuſe to build.

10th. They pray, that Three Places may be pitched upon between Point au Boudet and Cataraqui, for the Purpoſe of receiving Grain from the Settlers when they have any to ſpare, in conſequence of your Lordſhip's generous Propoſal communicated to them through the Inſpector of Loyaliſts.

11th. They pray your Lordſhip will be ſo kind as to uſe your Influence with the Commiſſioners appointed to examine the Claims of the Loyaliſts, to induce them to make a Journey to New Johnſtown, New Oſwegatchie, and Cataraqui, to inveſtigate the Claims of the Loyaliſts on this Communication, as the Poverty of the Settlers in general, and the Expence of an Attendance at Quebec or Montreal, in the Proſecution of their Claims, will diſcourage them from the Attempt, or oblige them totally to relinquiſh them.

12th. They alſo pray, that your Lordſhip will be ſo good as to confirm to them the Uſe of the Locks or Canals, as hitherto granted by his Honour Lieutenant Governor Hope, and that you will likewiſe pleaſe to put them on an equal Footing with the Eighty-fourth Regiment, in regard to the Proportion of Lands granted to that Corps. This is a flattering Object to your Petitioners, whoſe Finances are moſtly exhauſted in the expenſive and arduous Taſk of forming a Settlement in a new Country, and which on that Account, as well as the Juſtice of their Pretenſions, they hope will induce your Lordſhip to take this Matter into Conſideration

Upon the Whole, your Petitioners have the fulleſt Confidence that your Lordſhip will be ſo good as to pay every Attention to the ſeveral Articles contained in this Petition that accord with Reaſon and Juſtice; and

and thoſe which may appear otherwiſe they conceive your Lordſhip will kindly impute to a miſtaken Opinion, or Want of proper Information.

And Your Petitioners, as in Duty bound, will ever pray.

Signed,

Peter Van Alſtine,	4th	Townſhip	Bay Quinty.	Alex[r] M[c] Donell,	Townſhip,	N° 1.
Geo. Singleton,	3	D°		S. Anderſon,	Townſhip,	2.
Arch[d] M[c] Donald,	5	D°		John M[c] Donell,	D°	N° 3.
John Everitt,	1	D°		Rich[d] Duncan,	D°	N° 4.
Henry Simmons,	2	D°		John Munro,	D°	N° 5.
				W[m] Fraſer,	D°	N° 6.
				Juſtus Sherwood, James Campbell, Jn° Jones,	D°	N° 7.
New Johnſtown, April 15th, 1787.				Tho[s] Sherwood, Peter Frul,	D°	N° 8.

N° 19.

PETITION from the Canadians to the King, dated Montreal, 13 October 1788.

(COPIE.)

La très humble Addreſſe des Citoyens et Habitans, Sujets Canadiens de differens Etâts dans la Province de Quebec, en Canada.

A U R O I.

SIRE,

VOS fideles et loyaux Sujets Canadiens oſent approcher le Trône de Votre Très Gracieuſe Majeſté, pour lui exprimer la Surpriſe que leur occaſionne une Démarche hazardée des anciens Sujets de Votre Majeſté auprès de ſon Auguſte Parlement, qui à pour But l'Etabliſſement d'une Chambre d'Aſſemblée, l'Introduction des Loix Britanniques dans notre Province, et l'Abolition de nos Loix Municipales.

Que ces anciens Sujets, Très Gracieux Souverain, dont les Inquietudes ſe renouvellent ſi ſouvent, demandent en leur Nom ce qu'ils croient leur Convenu davantage, Vos nouveaux Sujets n'y feroient qu'une foible Attention; mais qu'ils ſe prevalent, ſans aucun Fondement du Concours unanime de notre Nation, pour donner plus de Poids à leurs Démarches, et qu'ils ſe prétendent autoriſés à cet Effet de Vos loyaux Sujets Canadiens en général, cela leur paroit une Temerité à laquelle ils ne peuvent ſe diſpenſer à objecter, et contre laquelle ils implorent Votre Protection Royale, et celle de Votre Auguſte Parlement.

Non

Non, Très Gracieuſe Souverain, Vos nouveaux Sujets n'ont jamais accedé, et ſont bien loin d'adhérer aux Démandes de Vos Anciens, dont les Vues ne peuvent tendre à autre Choſe qu'à nous priver de nos Droits, en nous rendant inconnus et impraticables les Moyens de les conſerver. Qu'un petit Nombre des Canadiens ſe ſoit laiſſé entrainer, cela peut être; mais nous ne craignons pas de dire que la plûpart ne poſſédent que peu de Biens fonds dans notre Province.

Contre tout Principe de Juſtice et d'Equité, et contre nos Droits et nos Privileges les plus ſacré, jamais, Très Gracieuſe Souverain, les grands Propriétaires de notre Nation, et les differents Etâts qui la compoſent en général, n'ont été conſultés, pour faire des Innovations auſſi importantes à leur Bonheur, et à leurs Interets communs. Les humbles Addreſſes préſentées de notre Part à Votre Très Gracieuſe Majeſté ſont une Preuve authentique de notre Oppoſition conſtante; nous remettons au Très Honourable Lord Dorcheſter les plus recentes, que nous le prions de tranſmettre au Pied du Trône de Votre Majeſté, ainſi que celles que lui ont été preſentées dans l'Année 1787, par les Citoyens des Villes de Quebec et de Montreal.

Ce digne Repreſentant du meilleur des Rois eſt en Etât, par ſes Connoiſſances acquiſes ſur les Lieux, d'atteſter la Verité de nos Avances.

Nos Démandes, Auguſte Monarque, ſe reduiſent à conſerver nos Loix Municipales, mais qu'elles ſoient ſtrictement obſervées; qu'il y ait dans le Conſeil Legiſlatif de notre Province un Nombre proportionné de Vos loyaux Sujets Canadiens. Nous priver de ces Loix et de cette Faveur ſeroit à l'Univers entier un Sujet de croire que, par notre Deloyauté, nous nous ſerions attirés l'Animadverſion de Votre Majeſté.—Ces Loix, ſur leſquelles ſont appuyés l'Exiſtence de nos Droits, et la Conſervation de toutes nos Propriétés, nous ſont egalement precieuſes et néceſſaires, et loin de nous detacher, comme on a injuſtement voulu inſinuer, de la Fidelité que nous avons ſolemnellement jurée, et inviolablement gardée à Votre Très Gracieuſe Majeſté; elles nous feront, au contraire, un Motif de redoubler de plus en plus notre Attachment à Votre Perſonne Sacrée, ainſi que nos Vœux pour la Proſperité de Son Regne glorieux, Sa Conſervation, et celle de Son Auguſte Famille.

Montreal,
le 13e Octobre 1788.

Signed by 748 Perſons.

After the Signatures the following:

Par devant les Notaires Publics pour la Province de Quebec reſidens à Quebec, eſt comparé Pierre Amable de Bonne, Ecuyer, l'un des Juges à Paix de S. M. Seigneur du Sault St. Marie, et de Choiſy, Deputé des Sujets Canadiens, tant des Villes que des Campagnes, dont les Signatures et Noms ſont inſcrits en l'humble Addreſſe ci-deſſus, lequel nous a repréſenté,

1. Un Pouvoir des Habitans de la Rivière de la Prairie au dit P. A. de Bonne, Ecuyer, de tranſporter leurs Noms ſur l'humble Addreſſe à préſenter à Sa Majeſté, au Nombre de 157 Signatures.

2. Pareil Pouvoir par Chriſtophe Sanguinet, Ecuyer, Seigneur de Varennes, l'un des Juges à Paix de S. M. au dit P. de Bonne, Ecuyer, de tranſcrire et appoſer au Bas de la dite Addreſſe, en Conſequence de ſon Certificat donné a Varennes le 20 Octobre de la preſente Année, contenant 50 Signatures et Noms.

3. Un pareil Pouvoir au dit Pierre de Bonne, Ecuyer, daté aux Trois Rivières, le 20 Octobre même Année, de tranſcrire et appoſer ſur la dite Addreſſe les Noms et Signatures, au Nombre de 19, qui ſe trouvent au Bas du dit Pouvoir.

4. Pareil Pouvoir, certifié par Paul Margane, Ecuyer, Sieur de Lavaltier, Seigneur de Lavaltier, l'un des Juges à Paix de S. M. par lequel les Habitans, au Nombre de Cent Quarante-quatre, ont ſigné au Bas du dit Certificat, permettant et autoriſant le dit Pierre de Bonne, Ecuyer, à tranſcrire et appoſer leurs Noms et Signatures au Bas de la dite Addreſſe.

5. Pareil Pouvoir, certifié le 13^{me} Octobre, même Année, par Paule La Croix, Ecuyer, l'un des Juges à Paix de S. M. au dit Pierre de Bonne, Ecuyer, d'appoſer les Noms et Signatures des Habitans de St. Phillipe, au Nombre de 51; de la Prairie, au Nombre de 15; de St. Conſtant, au Nombre de 42; et un autre Pouvoir de la Paroiſſe de St. Conſtant, pour le même Objet, de 59 Habitans.

6. Un autre Pouvoir des Habitans de St. Vincent, au Nombre de 88, ſuivant le Certificat du Capitaine Joſeph La Croix, Préſence de Joſeph Turgeon et Chatelier, Notaires Royaux, de tranſcrire et appoſer les Noms et Signatures y inſcrités.

7. Pouvoir donné à Jean B^{te} Couillard, Ecuyer, l'un des Juges à Paix de S. M. pour le même Objet, au Nombre de 12 Seigneurs, Gentilshommes et Propriétaires dans la Rivière du Sud, et autres Lieux, que nous avons collationé à la Requiſition du dit Pierre Amable de Bonne, avec la préſente Addreſſe, dont il a requis acter, quant aux Noms tranſportés, comme ci-deſſus, que nous lui avons octroyé. Fait et paſſé à Quebec, en la Maiſon de Gabriel Elreard Taſchereau, Ecuyer, l'un des Juges à Paix de S. M. le 3^{e} Novembre, 1788.

Signée à la Minute reſtée entre nos Mains.

P. A. DE BONNE, JACQUES PINGUET,
Notaire; et de nous Notaire ſouſſigné,

CH. NOYER, Not. Pub.

N° 20.

N° 20.

TRANSLATION of a Petition from the Canadians to the King; dated Montreal, 13th October 1788.

To the KING.

The moſt humble Addreſs of the Canadian Subjects, Citizens and Inhabitants of the Province of Quebec, in Canada.

SIRE,

YOUR faithful and loyal Canadian Subjects preſume to approach the Throne of Your Moſt Gracious Majeſty, to expreſs their Surprize at the raſh Proceedings of Your Majeſty's old Subjects towards Your Parliament, Proceedings which have for their Object the Eſtabliſhment of a Houſe of Aſſembly, the Introduction of Britiſh Laws into our Province, and the Abolition of the Municipal Laws.

Were theſe old Subjects, whoſe Inconveniencies are ſo often renewed, to aſk in their Name what they imagine would be of greater Advantage to them, Your new Subjects, Moſt Gracious Sovereign, would pay but a trifling Attention to it; but when they take Advantage, without Foundation of the unanimous Concourſe of our Nation, to give more Weight to their Proceedings, and when they pretend to be ſo authorized by Your loyal Canadian Subjects in general, it appears to them a Raſhneſs which they cannot but object to, and againſt which they implore the Royal Protection of Your Majeſty, and of Your Auguſt Parliament.

No, Moſt Gracious Sovereign, Your new Subjects have never acceded to, and are far from approving the Requeſt of Your old Subjects, whoſe Views tend only to the depriving us of our Rights, by making the Means of preſerving them dark and impracticable. It is poſſible that a ſmall Number of Canadians may have ſuffered themſelves to be drawn in, but we do not heſitate to aſſert that the greateſt Part poſſeſs but a ſmall Proportion of Property in our Province.

Contrary to every Principle of Juſtice and of Equity, and contrary to the Rights and moſt ſacred Privileges, Moſt Gracious Sovereign, the great Proprietors of the Nation, and the different States which compoſe it, have never been conſulted in ſuch important Innovations, both to their Welfare and to their common Intereſts.

The humble Addreſſes preſented from us to Your Moſt Gracious Majeſty are an authentic Proof of the conſtant Oppoſition: We refer the lateſt to the Right Honourable Lord Dorcheſter, which we requeſt him to tranſmit to the Foot of Your Majeſty's Throne, as well as thoſe whcih were preſented to him in 1787 by the Citizens of Quebec and Montreal.

This

This worthy Repreſentative of the beſt of Kings is enabled, by his local Knowledge, to atteſt the Truth of what we advance. Our Requeſt, Moſt Auguſt Monarch, is confined to the Preſervation of our Municipal Laws, but to the ſtrict Obſervation of them; that we may have in the Legiſlative Council of our Province a proportionate Number of Your loyal Canadian Subjects. To deprive us of theſe Laws, and of this Favor, would be to the whole World a Subject of Suſpicion that we had incurred the Cenſure of Your Majeſty by our Diſloyalty. Theſe Laws, on which the Exiſtence of our Rights, and the Preſervation of our Property reſt, are equally valuable and neceſſary to us; and far from detaching us, as has been unjuſtly inſinuated, from the Fidelity which we have ſolemnly ſworn, and inviolably obſerved, towards Your Majeſty, they will be a Motive of encreaſing more and more our Attachment to Your ſacred Perſon, as well as of the Prayers for the Proſperity of Your Glorious Reign, and the Preſervation of Yourſelf and Your Auguſt Family.

Montreal,
13 October, 1788.

Signed by 748 Perſons.

After the Signatures, the following:

Before the public Notaries for the Province of Quebec, reſident in Quebec, appeared Pierre Amable de Bonne, Eſquire, one of H. M. Juſtices of the Peace, Seigneur of Sault St. Mary, and de Choiſy, Deputy from the Canadian Subjects, both from the Cities and the Country, whoſe Names are ſubſcribed to the above Addreſs, who has produced to us,

1. A Power from the Inhabitants of the River of the Meadow, to the ſaid P. A. Debonne, Eſquire, to add their Names to the humble Addreſs to be preſented to H. M. to the Number of 157 Signatures.

2. A like Power by Chriſtopher Sanguinet, Eſquire, Seigneur de Varennes, one of H. M. Juſtices of the Peace to the ſaid P. A. Debonne, Eſquire, to ſubſcribe to the ſaid Addreſs, in conſequence of his Certificate given at Varennes, 20 October, in the preſent Year, containing 50 Signatures and Names.

3. A like Power to the ſaid P. Debonne, Eſquire, dated at Three Rivers, the 20th October, to ſubſcribe the ſaid Addreſs with the Names at the Bottom of the ſaid Power, amounting to 19.

4. A like Power certified by Paul Margane, Eſquire, Sieur de Lavaltier, Seigneur de Lavaltier, one of H. M. Juſtices of the Peace, by which the Inhabitants, to the Number of 144, ſigned at the Bottom of the ſaid Certificate, permit and authorize the ſaid Pierre de Bonne, Eſquire, to ſubſcribe their Names and Signatures at the Bottom of the ſaid Addreſs.

5. A like Power, certified 13 October, in the ſame Year, by Paul la Croix, Eſquire, one of H. M. Juſtices of the Peace, to the ſaid P. Debonne, Eſquire, to ſubſcribe the Names and Signatures of the Inhabitants of St. Phillip, to the Number of 51; of the Meadow, to the Number of 15; of St. Conſtant, to the Number of 42; and another Power from the Pariſh of St. Conſtant, with the ſame View, by 59 Inhabitants.

6. A

6. A like Power from the Inhabitants of St. Vincent, to the Number of 88, according to the Certificate of Captain Joſeph La Croix, in the Preſence of Joſeph Turgeon and Chatelier, Royal Notaries, to ſubſcribe the Names and Signatures there written.

7. A Power granted to Jean B^te^ Couillard, Eſquire, one of H. M. Juſtices of the Peace, with the ſame View, to the Number of 12 Seigneurs, Gentlemen and Proprietors on the *South River* and other Places, which we have compared, and *added*, at the Requeſt of the ſaid P. A. Debonne, to this Addreſs, of which he has required a Certificate in reſpect to the Names ſubſcribed as above, which we have granted. Done and paſſed at Quebec, in the Houſe of Gabriel Elreard Taſhereau, Eſquire, one of H. M. Juſtices of the Peace, the 3d Nov. 1788. *La Riviere du Sud.*

Signed, from the Minutes in our Poſſeſſion,

P. A. DE BONNE, JACQUES PINGUET,
Notary; and by me, the under-ſigned Notary,

CH. NOYER, Not. Pub.

N° 21.

PETITION from Canadians to Lord Dorcheſter; dated Montreal, 13th October 1788.

COPIE.

A ſon Excellence le Très Honorable Guy Lord Dorcheſter, Captaine Général et Gouverneur en Chef des Colonies de Quebec, Nouvelle Ecoſſe, et Nouveau Brunſwick, et leur Dependances, Vice Amiral d'icelles, General et Commandant en Chef de toutes les Troupes de Sa Majeſté dans les dites Colonies, et dans l'Iſle de Terreneuve, &c. &c. &c.

Qu'il plaiſe a Votre Excellence,

LES Canadiens ſoumis au Gouvernement de votre Seigneurie ont vu avec un Déplaiſir inexprimable, dans les Papiers publics de Londres, qu'un des anciens Sujets, dans une Addreſſe à la Chambre des Communes de la Grande Bretagne, ſe ſeroit qualifié de Deputé des anciens et nouveaux Sujets de Sa Majeſté dans la Province de Quebec. Cette Addreſſe, Mi Lord, qui à pour Objet une Chambre d'Aſſemblée, et l'Abolition des Loix et Coutumes de cette Province, loin d'être appuyée des Sujets Canadiens, eſt également contraire à leurs Interets, et oppoſée à leurs Deſirs. Quelques uns de nos Compatriotes peuvent à la Verité s'être joints avec les anciens Sujets, mais votre Excellence ſait de quelle Importance eſt cette Union; elle connoit auſſi que pluſieurs des Poſſeſſeurs de Fonds, Anglois d'Origine, ne ſont point du Sentiment d'établir une Chambre d'Aſſemblée en cette Province, ni d'en abroger les Loix

 anciennes;

anciennes; que les anciens Sujets euſſent fait cette Démarche pour parvenir à leur Fin; qu'ils euſſent cherché en s'adreſſant à la Chambre Baſſe du Parlement, à dérouter les Canadiens en les éloignant du Trône, auprès duquel ils apprehendoient peut être qu'ils trouvaſſent de l'appui; ſans parler en leur Nom, et ſans vouloir perſuader a cette Auguſte Aſſemblée que les Canadiens en général deſiroient le Changement par eux propoſé, et qu'il tenoit à Cruauté qu'un tel Bienfait leur fut denié; les Canadiens ſans Doute ſe ſeroient peu inquietés d'une pareille Démarche, ſachants bien que chaqu'un a Droit de repreſenter pour ſoi-même: Mais, Milord, obligés de rompre le Silence, ils ne peuvent s'empêcher de dire que le Deputé s'eſt mal à-propos, et temerairement ſervi de leur Nom. Qui peut mieux que votre Excellence atteſter la Sincerité de l'Oppoſition qu'ils croyent Devoir former a cette nouvelle et trop ſouvent reiterée Tentative? Vous connoiſſez, Milord, notre Loyauté, nos Interets réels, et nos Propriétés. Vous ſavez que, loin de deſirer le Changement propoſé, nous y avons conſtamment formés des Oppoſitions. Ces mêmes Oppoſants, deſireroient que votre Excellence fit un Rapport à Sa Très Gracieuſe Majeſté, qui, à ſes Yeux, et a ceux de Son Auguſt Parlement, put les caracteriſer et donner une Idée juſte de Comparaiſon de l'Importance des Propriétés des uns et des autres. Qu'il nous ſoit donc permis, Milord, de reclamer ici la Protection dont vous nous avez tant de Fois favoriſé, et à laquelle nous nous reconnoiſſons redevables des Bienfaits de notre Auguſte Souverain, dont le plus ſignalé eſt de vous avoir rendu a nos Vœux.

Nous prenons la Liberté de tranſmettre à votre Excellence notre très humble Addreſſe à Sa Très Gracieuſe Majeſté, que nous vous ſupplions de faire parvenir au Pied du Trône, et de l'appuyer de votre puiſſante Recommendation; nous y joignerons celle de l'Annee 1784, et eſperons que votre Seigneurie voudra bien y comprendre celles que les Citoyens des Villes de Quebec et de Montreal ſe firent l'Honneur de preſenter à votre Excellence dans les Mois de Janvier et de Fevrier de l'Année 1787.

Ce Bienfait, Milord, ajoutera à la Reconnoiſſance que nous conſerverons à jamais de tous ceux dont notre Nation eſt redevable à votre Seigneurie; et nous redoublerons nos Vœux pour votre Conſervation, et celle de votre illuſtre Famille.

Montreal,
le 13e Octobre 1788.

N° 22.

TRANSLATION of a Petition from the Canadians to Lord Dorceſter; dated Montreal, 13th October 1788.

To his Excellency the Right Honourable Guy Lord Dorcheſter, Captain General and Governor in Chief of the Colonies of Quebec, Nova Scotia, and New Brunſwick, and their Dependancies, Vice Admiral of the ſame, General and Commander in Chief of all His Majeſty's Forces in the ſaid Colonies, and in the Iſland of Newfoundland, &c. &c. &c.

May it pleaſe your Excellency,

THE Canadians under the Government of your Lordſhip have with inexpreſſible Concern obſerved in the public Papers of London that one of the old Subjects, in an Addreſs to the Houſe of Commons of Great Britain, had ſtyled himſelf Deputy from the old and new Subjects of His Majeſty in the Province of Quebec: This Addreſs, my Lord, the Object of which is the Formation of a Houſe of Aſſembly, and the Abolition of the Laws and Cuſtoms of this Province, far from being ſupported by the Canadian Subjects, is equally contrary to their Intereſts and to their Wiſhes. Some of our Countrymen may, indeed, have joined the old Subjects, but your Excellency knows the Importance of that Union; you know alſo that many Perſons of Property of Engliſh Extraction do not wiſh to eſtabliſh a Houſe of Aſſembly in this Province, nor to aboliſh its ancient Laws; that the old Subjects had taken this Step to attain their Object; that they had endeavoured, in their Addreſs to the Lower Houſe of Parliament, to ſet aſide the Canadians, in keeping them at a Diſtance from the Throne, where they were apprehenſive they might meet with Support: Without ſpeaking in their Name, and without wiſhing to perſuade that Auguſt Aſſembly that the Canadians in general would deſire the Change propoſed by them, and that it would be cruel to deny them ſo great a Bleſſing, the Canadians without Doubt would be little alarmed at ſuch Proceeding, well knowing that every One has a Right to repreſent for himſelf. But, my Lord, compelled to break Silence, they cannot help obſerving that the Deputy has improperly and raſhly made Uſe of their Name. Who, better than your Excellency can atteſt the Sincerity of the Oppoſition which they th[illegible] themſelves bound to make to this new and too often repeated Attempt? You know, my Lord, our Loyalty, our real Intereſts, and our Property; you know that, far from deſiring the propoſed Change, we have conſtantly oppoſed it. Theſe very Perſons would wiſh that your Excellency ſhould tranſmit to His Majeſty a Report which might diſtinctly characteriſe them both to Him and to His Auguſt Parliament, and give a juſt Idea of Compariſon of the Importance of the Property of each. Permit

us then, my Lord, here to claim that Protection with which you have ſo often favoured us, and to which we acknowledge ourſelves indebted for the Kindneſſes of our Auguſt Sovereign, the moſt ſignal of which is the having reſtored you to our Wiſhes.

We take the Liberty to tranſmit to your Excellency our moſt humble Addreſs to His Moſt Gracious Majeſty, and we entreat you to forward it to the Foot of the Throne, ſupported by your powerful Recommendation; we will join to it that of the Year 1784, and we hope your Lordſhip will have the Goodneſs to include thoſe which the Citizens of Quebec and Montreal did themſelves the Honour to preſent to your Excellency in the Months of January and February 1787.

This, my Lord, will add to the Gratitude we ſhall ever feel for all thoſe Benefits for which this Nation is indebted to your Lordſhip; and we ſhall redouble our Prayers for your Preſervation, and that of your illuſtrious Family.

Montreal,
13th October, 1788.

N° 23.

COPY of the Memorial and Petition of Merchants and others, of the Cities of Quebec and Montreal, 1ſt and 5th December 1788.

To his Excellency the Right Honorable Guy Lord Dorcheſter, Captain General and Governor in Chief of the Colonies of Quebec, Nova Scotia, and New Brunſwick, and their Dependencies, Vice Admiral of the ſame, General and Commander in Chief of all His Majeſty's Forces in the ſaid Colonies, and the Iſland of Newfoundland, &c. &c. &c.

The Memorial and Petition of the Subſcribers, Merchants, and others of the Cities of Quebec and Montreal, on Behalf of themſelves and their Conſtituents.

Humbly ſheweth,

THAT at a public Meeting of the Citizens of Quebec and Montreal reſpectively, held in the Fall of the Year 1784, a Committee from their Numbers was choſen for the Purpoſe of framing and conducting Petitions to His Majeſty and to both Houſes of Parliament, which Petitions were

were dated in November of that Year, and ſigned by upwards of Two thouſand Three hundred old and new Subjects: That ſeveral Vacancies in the Committee then choſen having occaſionally happened by Death and otherwiſe, new Members were neceſſarily appointed: That the Members of the ſaid Committee, ſo choſen and continued, have the Honour to addreſs your Lordſhip on Behalf of themſelves and their Conſtituents, the Subſcribers to the aforeſaid Petition of 1784: And to ſhew,

That by your Lordſhip's Condeſcenſion the Inhabitants of this Province have been favoured with a Publication in the Quebec Gazette, of the Petitions to His Majeſty and to your Lordſhip, lately preſented in the Name of the Canadians, bearing Date the Thirteenth Day of October laſt paſt, and ſigned by a conſiderable Body of Landholders and others, His Majeſty's new Subjects, to the Number of Seven hundred and Forty-four, in Oppoſition to the Objects of Reform propoſed in the Petition of 1784, already mentioned, and to the Steps which have been taken in conducting it.

That your Memorialiſts, in attending to the Intereſts of their Conſtituents and their own, have thought it their indiſpenſable Duty to take into Conſideration the various Matters and Aſſertions contained in the aforeſaid Petition of the 13th of October; and humbly to ſtate to your Lordſhip, in Reply thereto, That His Majeſty's old and new Subjects, by their Petition of 1784, praying for a Houſe of Aſſembly, and the Introduction of the Laws of England regarding Commerce, had not the moſt diſtant Wiſh or Intention to procure the Abolition of the ancient Laws and Cuſtoms of Canada, as is aſſerted by their Opponents; on the contrary, a Continuation of the ſaid Laws and Cuſtoms is expreſsly and particularly prayed for in the ſaid Petition of 1784, Article 4th, as will more fully appear to your Lordſhip by a printed Copy thereof hereunto annexed: That contrary to the Conduct and Aſſertions of their Opponents, the Petitioners of 1784 proceeded candidly, publicly, and impartially, in framing their Petition, which was printed in the French Language, and diſperſed into all Parts of the Country, accompanied with explanatory Obſervations and Arguments which yet remain unanſwered.

That His Majeſty's Canadian Subjects who joined in the ſaid Petition of 1784, to the Number of One thouſand Five hundred and Eighteen, and whoſe Sentiments and Wiſhes are ſtill the ſame, are more than double in Number, and not leſs reſpectable, than the Petitioners of the 13th of October laſt, whether they are conſidered in Point of Loyalty, Wealth, Character, or Knowledge of the true Intereſts of this Province.

That the Agent of the ſaid Petitioners of 1784, in carrying forward their Petition to the Notice and Diſcuſſion of Parliament, was not guilty either of Temerity or Injuſtice, in preſenting himſelf in the Name of and as Agent for thoſe Petitioners, being unanimouſly choſen and impowered for that Purpoſe by the Engliſh and Canadian Committees, repreſenting the whole Body of Petitioners, whether old or new Subjects.

Your Memorialiſts beg Leave to obſerve to your Excellency, that many of the Petitioners of the 13th of October laſt did, in a Petition to the

Throne in the Year 1783, complain of the actual Legiſlature in a more pointed Manner than is ſet forth in our Petition of 1784; yet they do not now aſk for any Reform in the preſent Syſtem of Government, but prefer a Diſtinction amongſt His Majeſty's Subjects, notwithſtanding that in the aforeſaid Petition of 1783 they pray, "That, "whatever Form of Government it ſhall pleaſe His Majeſty to eſta- "bliſh in this Province, they may be admitted freely and without Diſ- "tinction to participate in the precious Rights and Privileges which His "Majeſty's Subjects enjoy in whatever Part of the Empire they are ſitu- "ated." Your Lordſhip being fully ſenſible that Britiſh Subjects conſider as One of their moſt valuable Privileges the Right of being repreſented in the Legiſlature, Your Petitioners humbly conceive, that to them it more properly belongs to remark, that to refuſe them this diſtinguiſhing Privilege implies a Doubt of that Loyalty and Attachment which they have never ceaſed to demonſtrate.

Your Memorialiſts yield with Reluctance to a neceſſary Part of their Duty, in remarking to your Lordſhip, with all due Reſpect, that in the Liſt of their Opponents appear the Names of Judges, Counſellors, and others, in the Enjoyment of Penſions and Places of Profit, under the preſent Syſtem of Government, to the Amount of *Two thouſand Seven hundred and Forty-five Pounds*, upon which Circumſtance they forbear making any Comment. That in the ſaid Liſt, particularly among the Seignieurs, the Names of ſome appear who are not Seignieurs, and of others, who having aſſumed Titles to which they are found to have no Pretenſions, we ſubmit to your Lordſhip what Weight Perſons of thoſe Deſcriptions ought juſtly to have in the preſent Caſe.

That the Petitioners of the 13th of October laſt having repreſented themſelves to His Majeſty, and to your Lordſhip, as the great Proprietors and principal Landholders in this Province, Your Memorialiſts think it incumbent on them to ſtate to your Lordſhip, from the beſt Information they can procure, an Account of all the Seignieurs in Canada (thoſe of His Majeſty and the Religious Communities excepted) with an Eſtimate of their Annual Value, which is hereunto annexed, and humbly ſubmitted to your Lordſhip's ſuperior Knowledge and Information.

By the aforeſaid Eſtimate your Lordſhip will obſerve, that the Annual Revenue of the Seignieurs in the Poſſeſſion of His Majeſty's ancient Subjects exceeds the Sum of Ten thouſand Pounds: That the Seigneuries poſſeſſed by His Majeſty's new Subjects who have not joined in the Petition of the 13th of October laſt are computed at the Yearly Income of *Eight thouſand Eight hundred and Ninety-five Pounds*, whilſt the Seigneuries belonging to the Subſcribers to that Addreſs do not amount in Annual Revenue to Six thouſand Pounds. From this comparative Statement, which Your Memorialiſts have Reaſon to conſider as free from Error as the Nature of the Enquiry will admit of, Your Excellency may judge how far the Petitioners of the 13th of October laſt are entitled to that Pre-eminence which they claim; and if the Real and Perſonal Eſtates of all the other Petitioners of 1784 could be thus contraſted with thoſe of their Opponents, the great Superiority of the former would be ſtill more evident and ſtriking, eſpecially as

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the Commercial Property in this Province, whether belonging to the Merchants of Great Britain or Canada, is almoſt wholly repreſented by the Petitioners of 1784, an Eſtimate of which was ſubmitted to the Honourable Legiſlative Council in their Seſſion of 1787, amounting to the Sum of One Million Two hundred and Forty-ſix thouſand and Twenty-three Pounds Six Shillings and Eight Pence. Your Memorialiſts beg Leave further to add, that the extenſive and valuable Poſſeſſions of the numerous Loyaliſts and others lately ſettled in this Province, and which are daily increaſing, are not reckoned or comprehended in any of the foregoing Eſtimates.

That the Oppoſition made by the Petition of the 13th of October laſt to that of November 1784, being thus founded on miſtaken Principles, and on ſuppoſed Facts which do not exiſt, muſt neceſſarily loſe that Weight which it might otherwiſe have had by the Sanction of ſome reſpectable Names.

Your Petitioners, therefore, unite with their Opponents in praying that your Lordſhip will be pleaſed to report and characterize both Parties in ſuch a Manner as will ſhew to our Moſt Gracious Sovereign, and to the Britiſh Parliament, the true Importance, Poſſeſſions, and Intereſts of the One and of the other.

And your Petitioners as in Duty bound, will ever pray, &c.

Montreal, the 1ſt of December 1788.	Quebec, the 5th of Dec^{r} 1788.
JAMES M^{c}GILL.	JAMES JOHNSTON.
JOHN M^{c}KINDLAY.	GEORGE ALLSOPP.
RICHARD DOBIE.	ROBERT LESTER.
SIMON M^{c}TAVISH.	MATHEW LYMBURNER.
JAMES WALKER.	JN^{O} PAINTER.
ALEX^{R} AULDJO.	JOHN YOUNG.
NICHOLAS BAYARD.	J. BLACKWOOD.
JAMES FINLAY.	L. DUNIERE.
THOMAS M^{c}CORD.	W^{M} GOODALL.

LIST

LIST of old Subjects, Seigneuries, Proprietors of Fiefs and Seigneuries in the Province of Quebec.

	Names.	What Seigneuries they hold.	Characters in Society.
	George Alſopp —	Seign^{r} Jacques Cartier, and Dauleuil and Mills,	Merchant.
	Malcolm Frazer —	—— Riviene du Loup, Iſlet du Portage,	Major of Militia, Juſtice of the Peace, and Capt^{n} 84 Regim^{t}.
	Alex^{r} Frazer —	—— La Martiniere Vitruy and St. Gilles,	J. P. and late Capt^{n} 84 Reg^{t}.
	John Nairne —	—— Malbaye — —	J. P. late Lieu^{t} Col.
5.	Donald M^{c}Kinnon —	—— Matanne — —	J. P. Lieut^{t} 84 Reg^{t}.
	Peter Stuart —	—— St. Joſeph and Mille Vachy, Mingan, and Anticoſti, en Partie	Juſtice of the Peace.
	Lauchlin Smith —	—— St. Anne La Porcatierre	J. P.
	David Lynd —	—— Saſſe Ville, in Quebec —	Coroner, Clerk of the Peace, and Clerk of the Court of Common Pleas.
	John Collins —	—— Aubin de l'Iſle —	Counſellor and J. P. and Deputy Surveyor General.
10.	John Shoolbred —	—— Shoolbred, in Chaleur Bay,	Merchant in London.
	John Antrobus —	—— Antrobus, in Quebec —	Merchant.
	Adam Lymburner —	Conſeign^{r} of Iſles de Mingan	Merchant.
	Sir Fred^{k} Haldimand,	Seign^{r} Pabo in Chaleur Bay	Lieuten^{t} General.
	Henry Caldwell —	—— Cote de Lauzon, or Point Levy, Foucault, Part of Iſland of Orleans and Mills,	Colonel of Militia and Counſellor.
15.	W^{m} Grant —	—— St. Roc, Aubert, and Beau Lac, et de Mingan, Anticoſti et Mille Vacher en Partie,	Counſellor.
	Thomas Dunn —	—— Miſſiſkoui, Mingan Anticoſti, et Mill Vaches, en Partie,	Counſellor and Judge of the Court of Common Pleas.
	Dav^{d} Alex^{r} Grant —	Baron Longueuil, Seigneur of Belœil and Mills,	J. P. late Captain of 84 Reg^{t}.
	James Cuthbert —	Seign^{r} of Bertheir Dautruis Lahoray, New Yorck, or du Sable Maſkinonge, &c.	Late Capt^{n} 15th Reg^{t}.
	Jacob Jordan —	—— Terrebonne, la Chenaye, and Mills,	J. P. Lieutenant Col. Militia.

Gab^{l}

	Names.		What Seigneuries they hold.	Characters in Society.
20.	Gab[l] Chriſtie	—	Seign[r] Repentigny, De Lery, Labrevoy de Cleaury Noyan, La Chaille, Pointe au Fer, and Mill at Chambly,	Major General.
	Conrad Gugy	—	—— of Grand Pré, Gros Bois, and Dumontier,	Deceaſed.
	John Jeniſon	—	—— of St. François le Neuf, or St. Charles,	Deceaſed.
	John Jones	—	—— La Riviere Scibouſt on Yamaſka,	Merchant.
	Thomas Barrow	—	—— St. Charles, Bonſecourt, Bourgmarie, and in Part Bourchemin,	Half Pay Captain.
25.	Amos Hayton	—	—— Iſle aux Herrons —	Merchant, London.
	Bruyerre	—	—— Becancour — —	Lieutenant of Engineers.
	Ja[s] Curchod	—	—— Mount Louis —	Merchant.
	Simon Fraſer, Sen[r]	—	—— Riviere la Magdelaine	Merchant.
	Sam[l] Holland	—	—— Fief St. Jean Banlieu de Quebec,	Surveyor General.
30.	Math[w] M[c]Nider	—	Conſeign[r] and Banal Seigneur Belair aux Ecureuils,	Merchant.
	Ceſſionaries de Alexis Reaume	—	Seign[r] Iſlet a la Peaſe	
	Nath[l] Lloyd	—	Seign[r] Petite Baye des Eſquimanax, Labroder Coaſt,	Trader.
	Brice M[c]Cumming	—	La Grand Valle —	Paymaſter and Quarter Maſter of 31ſt Regiment.
	Daviſon and Lees	—	Banal Seigneurs Machiche Banal	Merchants.
35.	George Daviſon	—	Seign[r] Riviere du Loup —	Counſellor and Juſtice of the Peace.
36.	Thomas Dennis	—	Seign[r] Iſle Perrot —	Commiſſary.

Value of Seigneuries in Annual Rents and Revenues in the foregoing Liſt — — — — £. 10,345 Currency.

Amount of Salaries and Penſions from the Crown to Perſons in Canada, in ſaid Liſt — — — 2,316 Sterling.

Total Value of Seigneuriel Rents, Revenues, Penſions, and Salaries, including other Real Eſtates — — 16,070 Currency.

Quebec, 5th December, 1788.

JAMES JOHNSTON.
GEO. ALLSOPP.
ROBERT LESTER.
MATHEW LYMBURNER.
JN[o] PAINTER.
JOHN YOUNG.
J. BLACKWOOD.
L. DUNIERE.
W[m] GOODALL.
L[s] LANGLOIS, Fils.
L. DESCHENAUX, Fils.
CH. PINGUET.
A. PANET.
L[s] TURGEON.
T. BALLAIRGE.
PERRAULT L'AINE'.
A. CURREAUX.
DUBAU.

LIST and STATE of Seigneuries in the Hands of New Subjects, not *Seignieurs*, to the Petition to His Majesty, of October 1788.

	Names.	What Seigneuries they hold.	Characters in Society.
	Jucherau Ducheſhay	Seig^{r} of Beauport S^{t} Roc du Sud, S^{t} Denis Fauſſembault, Feif D'Umeſnil Godarville, and Mills,	Juſtice of Peace, and Half-pay Captain in Canadian Reg^{t}.
	Joſeph Braſſard, Deeheneaux	S^{t} Mich^{l} la Livandiere, Coſeg^{r} S^{t} Etienne de Beaumont, Seig^{r} Neuville ou Point aux Trembles, and Conſign^{r} de Belair, &c.	Juſtice of Peace.
	Antoine Panet —	— Bourg Louis & Moneceaux	Advocate.
	Mad^{me} Dalbergati —	Bic, &c. — —	Gentlewoman.
5.	P. F. Choſel Dorvillier	Dorvillier — —	Eſquire.
	Fleury Dechambault	Conſign^{r} Deſchambault and Fleury,	Juſtice of Peace, Half-pay Capt^{n} in Canadian Regiment.
	Gaſpard de Lanaudiere	Seig^{r} S^{t} Valier, and S^{t} Pierre les Becqueſts,	Eſq^{r}, Cadet in the Army.
	Ant^{y} de Lanaudiere —	Cos^{r} Ditto Ditto, —	Eſquire.
	Francis Baby —	—— Ditto Ditto, —	Counſellor, Lieutenant Colonel Militia, Adjutant Gen^{l} of Militia, and J. P.
10.	Joubin Boiſvert —	Seg^{r} S^{t} Marie ſur la Riviere S^{t} Anne,	Seigneur.
	Joſeph Chavigny —	Cos^{r} de la Cherriotiere —	Eſquire.
	Bigot Dorval —	—— Iſle Becancour —	Seigneur.
	Alexis Tourigny —	—— Ditto — —	Seigneur.
	Nicolas G. Boiſſeau —	—— Riviere du Sud —	Juſtice of Peace.
15.	Joſeph Roy —	Seig^{r} of Vincennes —	Seigneur.
	J. T. Tremblay —	—— des Eboulemens —	Ditto.
	Paſcal Tache —	—— Kamouraſkas —	Ditto.
	Louis Turgeon —	Cos^{r} of Beaumont —	Merchant.
	Cha^{s} Riverin —	Cos^{r} Capt. of Ignau, ou Vincellotto.	
20.	Michael Blais —	—— Riviere du Sud —	Seigneur.
	Michael Perrault —	Seig^{r} Riviere Onelle —	Merchant.
	Amable Durocher —	Half of Iſle d'Orleans, and Iſle Madame,	Seigneur, deceaſed.
	Cha^{s} Doyon —	Cos^{r} of Aubin de l'Iſle Nouvelle Banie,	Seigneur.
	Aug^{n} Hamelin —	—— Grondinnes —	Ditto.
25.	Louis Marchand —	—— Ditto — —	Ditto.
	Joſeph Gouin —	—— Ditto — —	Ditto.
	Lewis Trottier —	—— Ditto — —	Ditto.
	Fran^{s} Boiſvert —	—— Ditto — —	Ditto.

René

	Names.	What Seigneuries they hold.	Characters in Society.
	René Hamelin —	Cos^{r} Grondinnes —	Seigneur.
30.	Euſtache Grondines —	—— Ditto — —	Ditto.
	Joſeph Richard —	—— Ditto — —	Ditto.
	Michel Joyeux Hamel	Seig^{r} St. François, near Quebec,	Ditto.
	Cha^{s} Tarieu De Lanaudiere	—— S^{t} Anne and Maſkinonge,	Counſellor, Superintendant-General of Roads.
	Paul Roc S^{t} Ours —	—— St. Ours L'Echaillon —	Counſellor.
35.	Gaspard Maſſue —	Cos^{r} Varennes —	Merchant.
	Dom^{k} Debartzch —	Seig^{r} La Luſſaudiere —	Merchant.
	Pierre Foutier —	—— Iſle Biſard —	J. P. Merchant.
	Fran^{s} Enau —	—— Iſle du Pas —	Seigneur.
	Claude Poulin —	—— Nicollet — —	Ditto.
40.	Michel Creſſe —	—— Courval — —	Eſquire.
	Amable Martigny —	—— La Trinité — —	Ditto.
	Jean Druot de Richarville	—— Godefroy, Roctallade, et du toit Linctot,	Ditto, Half-pay Lieutenant Canadian Regiment.
	René Guay, et autres —	—— Baye S^{t} Antoine, ou du Febvie	Seigneur.
	Joſeph Ainſe —	Iſle S^{t} Thiriſe — —	Ditto, Indian Interpreter.
45.	Jeanton Dauphiney —	—— Antaya ou Comporté —	Ditto.
	La Marque —	—— Mille Iſles — —	Eſquire.
	Fra^{s} Le Maire S^{t} Germain	—— Iſle Bouchard —	Prieſt.
	Paſcal Dubue —	—— Iſle du Fort —	Seigneur.
	Pierre Chicouane —	—— Bellevue — —	Ditto.
50.	P^{re} André Duchefny	—— Camfell & Maſkinge	Ditto.
	Euſtache L. Lambert Dumont	—— Riviere Ducheſne —	Eſquire.
	Widow Duſſault —	Cos^{r} Varenne — —	Seigneureſſe.
	Francis Fortin —	Seig^{r} du Fief Boucher, au-deſſus des Trois Rivieres	
	Cha^{s} Le Sieur —	Cos^{r} Machiche — —	Ditto.
55.	Pierre Le Sieur —	—— Ditto — —	Ditto.
	J. B^{te} Le Sieur —	—— Ditto — —	Ditto.
	Antoine Le Seur —	—— Ditto — —	Ditto.
	Pierre Coutant —	—— Ditto — —	Ditto.
	Joſ. Godefroy de Normanville	Seigneur of Vieux Pont —	Eſquire.
60.	J. B^{te} Pezard —	Cos^{r} Champlain — —	Seigneur.
	Leon Pezard —	—— Ditto — —	Ditto.
	J. B^{te} Noel —	Seig^{r} Tilly and Bonſecours, and Duquet	Ditto.
	Lefebvre Bellefeuille	—— Cournoyer — —	Eſq^{r}, Voyer.
	De Lonne —	—— St. Hyacinthe Yamaſka	Seigneur, Minor.

Dom^{que}

	Names.	What Seigneuries they hold.	Characters in Society.
65.	Dom^que Debartzch —	Cos^r St. Hyacinthe Yamaſka.	Merchant.
	Jean Vienne —	Coſeig^r Fief Martel —	Merchant.
	—— Duſſault —	Seig^r Belair des Ecureuils —	Seigneur.
	Heritiers Du Calvet	—— Riviere David Yamaſka	Eſquire.
	Sauvages Troquois —	—— Sant St. Louis —	Seigneurs.
70.	Les Sieurs Rioux —	—— Trois Piſtolles —	Ditto.
	J. B^te Coté —	—— Iſle Verte —	Seigneur.
	Le Page St. Germain, &c.	—— Rimouſke, ou St. Barnabé, Riv^re Mitis et Lac Mitis,	Ditto.
	Le Maiſtre Duaine —	—— Fief de Mortie et Banal, Seg^r Prinevitto Riv^r St. François,	Ditto.
	Belanger, et autres —	—— Francis de l'Iſlet ou Bonſecours,	Ditto.
	Simard, et Autres —	—— de la Riviere au Gouffres	Ditto.

Value of Seigneuries in Annual Rents and Revenues in the foregoing Liſt — — — — £. 9,060 Currency.

Amount of Salaries and Penſions from the Crown to Perſons reſiding in Canada in ſaid Liſt — — — 1,351 Sterling.

Total Value of Seigneurial Rents, Revenues, Penſions, and Salaries, including other Real Eſtates — — 13,420 Currency.

Quebec, 5th December, 1788.

JAMES JOHNSTON.
GEO. ALLSOPP.
ROBERT LESTER.
MATHEW LYMBURNER.
JN^o PAINTER.
JOHN YOUNG.
J. BLACKWOOD.
L. DUNIERE.
W^m GOODALL.
L^s LANGLOIS, Fils.
L. DESCHENAUX, Fils.
CH. PINGUET.
A. PANET.
L^s TURGEON.
J. BAILLAIRGE.
PERRAULT L'AINE'.
A. CUREAUX.
DUBAU.

LIST

LIST of Seigneurs ſubſcribing a Petition to His Majeſty, 13th October 1788, in Oppoſition to a Petition to the King and Parliament, in 1783, and another in 1784, to obtain a Houſe of Aſſembly.

Names.	Seigneurs of what Lands and Eſtates.	Characters in Society.
Joſeph De Longueuil,	Segn^{r} Nouvil Longueuil, and Point a Regault,	Counſellor.
Neveu Seveſtrie —	Formerly Coſeg^{r}, now holding a Life Rent of Four hundred *Livres Tournois*, in D'autray and La Noray,	Colonel of Militia, and Comm^{r} of the Peace.
J. B. M. Flertel de Rouville	Seigneur of La Pointe Olivier,	Commiſſ^{r} of the Peace, and Half Pay Captain.
Debonne —	—— of Sault St. Marie and Choiſy, but having no Income as ſuch,	C. P. and Half Pay Lieu^{t}.
Kertel de Rouville —	—— of Rouville — —	Judge of the Court of Common Pleas.
De Boucherville —	—— of Boucherville —	Counſellor, Half Pay Captain, and Grand Voyer.
P. P. Marganne de la Valtrié —	—— of La Valtrié and St. Paul,	Commiſſioner of the Peace.
Chartier de Lotbiniere	—— of Lotbiniere, Vaudreuil, and Rigault,	Ditto.
Thomas Coffin —	—— of Pointe du Lac, Gatineau, &c. en Partie de Roctaillade & Mill,	Merchant.
Sanguinet — —	—— of La Salle — —	Commiſſioner of the Peace and Advocate.
Quinſon de St. Ours —	Coſeign^{r} of St. Ours, L'Aſſomption, and L'Echaillon,	Commiſſioner of the Peace.
Chevalier de St. Ours	D^{o} D^{o} D^{o}	Aid de Camp, and Captain on Half Pay.
Chriſtophe Sanguinet	Seigneur of Varrennes, and Coſeign^{r} of Beloeil,	Commiſſioner of the Peace.
La Perriere —	Seign^{r} of Contre Caur and St. Antoine.	
La Brocquerie —	Coſeg^{r} of Boucherville, Varrennes, and Tremblay.	
René de la Bruyere —	Seigneur of Montarville.	
La Bruyere de Montarville	—— of St. Denis, Conſeg^{r} of Contre Cœur and Boucherville.	Commiſſioner of the Peace.
Charles Groſbois —	Conſeg^{r} of Boucherville.	
Francis La Bruyere —	—— of Ditto — —	Half Pay Lieutenant and Penſioner, wounded.
J. Chaumont —	—— of Ditto — —	Trader.

Names.	Seigneurs of what Lands and Eſtates.	Characters in Society.
Clem. Sabrivoye de Bleury — —	Seigneur, having no Income as Seigneur.	
Pierre de Noyer Fleuremont —	Seigneur in Boucherville, having no Income as ſuch,	Half Pay Enſign.
Bellaire — —	Coſeign^{r} of Maſkinonge —	Poſtman.
Dupere — —	Coſeign^{r} of Champlain —	Tavern Keeper.
Niverville — —	Seign^{r} of Chambly.	
L' Anger Moger —	Coſeg^{r} of St. Michel, but having no Income as ſuch.	
J. M. Tonnancour —	Seig^{r} of Yamaſka and Godefroy,	Colonel of Militia at Three Rivers, Comm^{r} of the Peace, and Half Pay Lieutenant.
J. Cuvier de St. Francois	—— of St. Francois.	
J. G. Chauſſe gros De Lery	—— of Vaudreuil, St. Barbe, Gentilly, Le Gardeur, Belle Plaines, De Beauvais, and Perthuys,	Chevalier de l'Ordre de St. Louis, and Counſellor.
De Beaujeau —	—— of Iſles aux Grues et aux Oyes — —	Chevalier de l'Ordre de St. Louis.
G. E. Tacheraux —	—— of St. Marie Liniere, Toliet, and St. Joſeph,	Commiſſioner of the Peace.
De la Goryendiere —	—— of Fleury & D'Chambault.	
Coutereau —	—— in Part of Howelle Beauce of Port Joli,	Commiſſ^{r} of the Peace, and Enſign on Half Pay.
Le Compte Dupre —	—— of Argentenay en L'Iſle de Orleans, et autres Lieux,	Counſellor and Colonel of Militia.
P. L. Panet —	—— of Argenteuil —	Clerk of the Court of Common Pleas.
Xavier La Maudiere —	—— in Part of St. Pierre les Becqueſts, & St. Valier,	Midſhipman.
J. F. Cugnet —	—— of St. Etienne —	French Secretary, and Clerk of the Terrars.
L. De Salabery —	—— in Part of Beauport and Du Fief Dumenil —	Commiſſ^{r} of Peace, and Half Pay Officer.
La Chevrotier —	—— of Chevrotiere —	Half Pay Lieutenant.
J. B. Couillard —	—— of Riviere du Sud, Seign^{r} de L'Epinay, and 1ſt Pierre.	Commiſſioner of the Peace.
Vincelot —	—— of Caſs St. Ignace.	
Charles Couillard —	—— of Beaumont.	
J. Coture — —	Coſeg^{r} of Riviere du Sud.	
Hebert Couillard —	—— in the River du Sud.	
J. B. Dupuis —	—— Ditto —	Poſtman.
J. Nicolle — —	—— Ditto —	Lieutenant of Militia.

Cha^{r}

Names.	Seigneurs of what Lands and Eſtates.	Characters in Society.
Cha' Dagniaux Demuy	Coſeg' in Boucherville.	
John Campbell —	— —	Lieut' Col' and Commiſſary of Indians.
Chev' de Niverville —	Conſeg' of Chambly —	Of the Order of St. Louis, Commiſſioner of the Peace, and Half Pay Lieutenant.
Paul La Croix —	Seign' of Villerary. No Income as ſuch,	Trader.

Value of Seigneuries in Annual Rents and Revenues, in the foregoing Liſt — — — —	£.	5,998 Currency.
Amount of Salaries and Penſions from the Crown to Perſons reſiding in Canada, in the ſaid Liſt — —		2,745 Sterling.
Total Value of Seigneurial Rents, Revenues, Penſions, and Salaries, including other Real Eſtates — —		10,836 Currency.

Quebec, 5th December 1788.

JAMES JOHNSTON.
GEO. ALLSOPP.
ROBERT LESTER.
MATHEW LYMBURNER.
JN° PAINTER.
J. YOUNG.
J. BLACKWOOD.
L. DUNIERE.
W^M GOODALL.
A. PANET.
CH. PINQUET,
L^S LANGLOIS, Fils.
L. DESCHENAUX, Fils.
L^S TURGEON.
J. BAILLARGE.
PERRAULT L'AINE'.
A. CUREAUX.
DUBAU.

N° 24.

N° 24.

MEMOIRE et Requete des Citoyens et Marchands de Montreal, 4th December 1788.

A Son Excellence Le Très Honorable Guy Lord Dorcheſter, Capitaine General et Governeur en Chef des Colonies de Quebec, Nouvelle Ecoſſe, et Nouveau Brunſwick, et de leurs Dependances, Vice Amiral d'icelles, Général et Commandant en Chef de toutes les Troupes de Sa Majeſté dans les dites Colonies, et dans l'Iſle de Terreneuve, &c. &c. &c.

Mémoire et Requête des Souſignées, Citoyens, et Marchands de Montreal, tant en leurs Noms, qu'aux Noms de leurs Conſtituants.

Repreſentent Humblement,

QUE dans l'Automne de l'Année Mil Sept Cent Quatre Vingt-quatre il fut fait une Aſſemblée Publique de Citoyens tant à Quebec qu' à Montreal; que ces Aſſemblées volerent reſpectivement une Petition à Sa Majeſté, et aux Deux Chambres du Parlement, et choiſirent des Comités pour la rédiger et la conduire ouvertement: Que cette Petition fut ſignée en Novembre Mil Sept Cent Quatre Vingt-quatre, par Deux Mille Trois Cens Soixante-treize Souſcripteurs, tants anciens que nouveaux Sujets de Sa Majeſté! Les Membres de ces Comités ont l'Honneur de s'addreſſer à votre Seigneurie, tant pour eux que pour leurs Conſtituants, aux fins de lui temoigner leur Reconnoiſſance de ce que par ſa Grace ils ont eu Communication, dans la Gazette de Quebec, des Addreſſes à Sa Majeſté et à votre Seigneurie, faites à Montreal, au Nom des Canadians, en Date du Trieze Octobre dernier.

Ces Addreſſes, ſignées d'un Corps de Proprietaires de Biens Fonds, et autres nouveaux Sujets, au Nombre de Sept Cent Quarante-quatre, ſont en Oppoſition tant aux Objets de Reforme humblement indiqués dans la Petition de Novembre Mil Sept Cent Quatre Vingt-quatre; qu'aux Meſures legales et Premiſes adoptées pour la ſoutenir.

Vos Suppliants, toujours attentifs aux Interêts de leurs Conſtituants et aux leurs, ont penſé qu'il doit de leur Devoir, et qu'ils ne pouvoient même abſoluement ſe diſpenſer de prendre en Conſidération les Aſſertions des dites Addreſſes et d'y repondre par des Obſervations qu'ils ſoumettent humblement à votre Seigneurie.

Les Anciens et Nouveaux Sujets de Sa Majeſté, qui ont ſouſcrit la Petition de Novembre Mil Sept Cent Quatre Vingt-quatre, en demandant pour cette Province une Chambre d'Aſſemblée, et l'Introduction des Loix d'Angleterre pour le Commerce ſeulement, loin d'avoir la moindre Intention d'abolir ou de detruire les anciennes Loix, Coûtumes, et Uſages du Canada, ont au contraire expreſſement et pleinément demandé, par le Quatrieme Article de la dite Pétition, la Conſervation des dites Loix, Coutumes, et Uſages, ainſi qu'il apparoitra à votre Seigneurie par la Copie imprimée de cette Petition,

Petition, c'y annexée. Contradictoirement à la Conduit et aux Avances de leurs Oppoſants, les Suppliants de Novembre Mil Sept Cent Quatre Vingt-quatre ont procedé avec Candeur, Impartialité, et Publicité, ayant fait imprimer leur Petition en François, et l'ayant fait repandre dans les differentes Parties de cette Province, avec des Obſervations, qui ſont reſtées ſans Réponſe.

2°. Les Sujets Canadiens de Sa Majeſté, qui ont voté et ſigné la Petition de Novembre Mil Sept Cent Quatre Vingt-quatre, au Nombre de Quinze Cent Dix-huit, perſeverent dans les mêmes Sentiments, et ſont auſſi reſpectables que les Souſcripteurs du Treize Octobre dernier, ſoit qu'on les conſidere par leur Nombre, leur Loyauté, leur Fortune, et leur Caractere, ſoit enfin par leur Connoiſſance des vrais Interets de cette Province.

3°. L' Agent des Suppliants des Novembre Mil Sept Cent Quatre Vingt-quatre, en introduiſant et ſoumettant leur Petition a l'Examin et aux Debats du Parlement, n'a été coupable ni d'Injuſtice ni de Témerité, en ſe preſentant, au Nom et comme Agent des dits Suppliants, puiſqu'il a été unanimement choiſie et authoriſé à cet Effet, par les Comités repreſentants le Corps nombreux des anciennes et nouveaux Sujets, qui ont ſouſcrit la ditte Petition.

4°. Vos Suppliants cédent avec Repugnance á la Neceſſité indiſpenſable de faire remarquer à votre Seigneurie, avec tout le Reſpect qu'ils lui doivent, que dans la Liſte de leurs Oppoſants ils appercoivent les Noms des Juges, Conſeillers, et autres, qui jouiſſent d'une Partie des Penſions, Salaires, et Places lucratives du Gouvernement; ils ne ſe permetteront pas les Reflexions que leur Oppoſition fait naitre. Cette Liſte eſt groſſie des Noms de divers Proprietaires de Parcelles de Seigneuries, qui n'ont aucune Importance quelconque d'un certain Nombre de ceux qui ſe ſont qualifiés Seigneurs ſans l'être, et enfin d'autres qui ont pris des Titres de Seigneuries ou qui n'exiſtent point, ou aux quelles ils n'ont aucun Droit.

5°. Les Suppliants du Trieze Octobre dernier ayant prétendu ſe repreſenter à Sa Majeſté, et a votre Seigneurie, commes les grands Propriétaires et les principaux Seigneurs de cette Province—Vos Suppliants croient encore qu'ils ne peuvent ſe diſpenſer de repreſenter à votre Excellence, que d'apres les meilleures Informations qu'ils aient pu ſe procurer, les anciens Sujets poſſedent en Seigneuries dans cette Province pour plus de Dix Mille Livres Courant de Revenus Annuels; que les Revenus Annuels des Seigneuries poſſedées par les nouveaux Sujets, qui n'ont pas ſouſcrits les Addreſſes du Trieze Octobre dernier, ſont evalluées a la Somme de Huit Mille Huit Cent Quatre Vingt Quinze Livres et plus, ſans y' comprendre le Produit des Seigneuries de Sa Majeſté et des Communautés en cette Province: Au lieu que les Revenus Annuels de Seigneuries poſſedés par les Souſcripteurs du Trieze Octobre dernier ſcauroient produire, dans le plus haute Eſtimation Six mille Livres Courant.

Ce ſimple Expoſé fera voir à votre Excellence en quelle Proportion ces Souſcripteurs tiennent les Seigneuries de cette Province, et juſqu'a quel Point ils ont Droit à la Preponderance qu'ils reclament; que ſi les Proprietés réelles et perſonnelles des Suppliants de Novembre Mille Sept Cent Quatre Vingt-quatre étoient miſes en Comparaiſon avec celles de leurs Op-

poſants, la Superiorité des Premiers ſeroit evidement frappante, et d'autant plus frappante que les Propriétes du Commerce, montant à un Million Deux cent Quarante ſix Mille Vingt-trois Livres Six Shellings Huit Denier Sterling ſelon l'Eſtimation ſoumiſe a la Conſideration de l'Honorable Conſeil Legiſlatif en ſa Seſſion de Mil Sept Cent Quatre Vingt-ſept (ſoit qu'elles appartiennent aux Marchands de la Grande Bretagne ou du Canada) ſont preſque toute repreſentées par les Souſcripteurs de Novembre Mil Sept Cent Quatre Vingt-quatre.

Dans tout ce que deſſus, nous ne parlons pas des Proprietés réelles et perſonnelles des anciens Sujets Loyaliſtes, nouvellement établis dans les Parties ſuperieures de cette Province.

6°. Qu'il nous ſoit permis de repreſenter à votre Excellence, que les Promoteurs des Addreſſes du Trieze Octobre dernier furent les premiers à ſe plaindre de la Legiſlation actuelle de l'Annee Mil Sept Cent Quatre Vingt-trois, neanmoins ils ne demandent actuellement aucune Reforme ; ils ſe bornent à une Predilection de Sujets qu'ils reprouvoient alors en demandant formellement " d'être admis ſans aucune Diſtinction ſous " quelque Forme de Gouvernement qu'il plaira à Sa Majeſté d'établir en cette " Province ; à la precieuſe Participation des *Graces*, *des Droits*, *des* PRIVI- " LEGES, et des Prerogatives, dont joüiſſent dans toutes les autres Parties du " Globe tous les fideles Sujets de Sa Majeſté."

Votre Seigneurie eſt pleinement convaincue, qu'un des plus precieux Privileges des Sujets Britanniques eſt de participer, par une Repreſentation libre, à la Sanction des Loix aux quelles ils doivent être ſoumis.

Puis donc que les Addreſſes du Trieze Octobre dernier ne tendent qu'a priver tout un Peuple de Sujets Britanniques de la Part légitime qu'ils doivent avoir par leur Repreſentants a la Conſervation certaine de leurs Loix, Coutumes, Uſages, Immunités, et Privileges, ainſi qu'aux Améliorations et Modifications que la Viciſſitude des Circonſtances peut requerir, et dont les meilleures Loix ſont ſuſceptibles ; qu'elles ne ſont d'ailleurs fondées que ſur des Principes errones, des Faits ſuppoſés, des Pretentions fantaſtiques, elles doivent neceſſairement perdre le Poid qu'elles ſembleroient meriter par la Sanction des quelques Noms reſpectables confondus avec les Noms impoſants qui y' ſont ſoucrites.

Vos Suppliants s'uniſſent donc avec leurs Oppoſants (et c'eſt l'Objet de cette Requéte) pour prier votre Excellence qu'il lui plaiſe faire un Rapport qui puiſſe caracteriſer les Deux Parties, et faire connoitre la juſte Importance, les Poſſeſſions, et les Interets de l'un et de l'autre.

Et vos Suppliants, autant parAttachement que par Devoir, ne ceſſeront de prier pour la Conſervation et Proſperité de votre Perſonne et de votre Famille.

Montreal, le 4th Decembre, 1788.

PR GUY.
PH. DEROCHEBLAU.
DUMATZ.
G. ABENTON.
PNE FORETIER.
JN. DE LISLY.
TH. PAPINEAUX.
MCE HENDEAU.
J. HERRAULT.

N° 25.

N° 25.

TRANSLATION of the Memorial and Petition of the Citizens and Merchants of Montreal, dated 4th December, 1788.

To his Excellency the Right honourable Guy Lord Dorchester, Captain General and Governor in Chief of the Colonies of Quebec, Nova Scotia, and New Brunſwick, with their Dependencies, Vice Admiral of the ſame, General and Commander in Chief of all His Majeſty's Troops in the ſaid Colonies, and in the Iſland of Newfoundland.

The Memorial and Petition of the under-written Citizens and Merchants of Montreal, in their own Names, and in the Names of their Conſtituents.

Humbly repreſent,

THAT in the Autumn of the Year 1784 a Public Aſſembly of the Citizens was convened, as well for Quebec as Montreal; that theſe Aſſemblies reſpectively voted a Petition to His Majeſty, and the Two Houſes of Parliament, and choſe Committees to draw it up, and to have the Management thereof; that this Petition was ſigned in November 1784 by 2,363 Perſons, old as well as new Subjects of His Majeſty.

The Members of thoſe Committees have the Honour to addreſs themſelves to your Lordſhip in their own Name and in the Name of their Conſtituents, to teſtify their Acknowledgments to you, for imparting to them, in the Quebec Gazette, the Addreſſes to His Majeſty and your Lordſhip, drawn up at Montreal in the Name of the Canadians, and dated the 13th October laſt.

Theſe Addreſſes, ſigned by a Body of Landholders and others, new Subjects, to the Number of 744, are in Oppoſition to the Objects of Reform ſet forth in the Petition of November 1784, as well as to the legal Meaſures which have been adopted in Support thereof.

Your Petitioners, ever attentive to the Intereſts of their Conſtituents, as well as their own, have thought it their Duty, which could not abſolutely be diſpenſed with, to take into their Conſideration the Aſſertions of the ſaid Addreſſes, and to reply to them by Obſervations, which they humbly ſubmit to your Lordſhip.

1ſt. His Majeſty's old and new Subjects, who have ſubſcribed to the Petition of November 1784, in requeſting for this Province an Houſe of Aſſembly, and the Introduction of the Commercial Laws of England, far from having the leaſt Intention to aboliſh or deſtroy the old Laws, Cuſtoms, and Uſages of Canada, have, on the contrary, fully and expreſsly requeſted, in the 4th Article of the ſaid Petition, that the ſaid Laws, Cuſtoms,

Cuſtoms, and Uſages may be preſerved, as will appear to your Lordſhip by the printed Copy of that Petition annexed hereto. Contrary to the Conduct and Proceedings of their Opponents, the Petitioners of November 1784, have acted with Candour, Impartiality, and Openneſs, having had their Petition printed in the French Language, and having cauſed it to be diſtributed in the different Parts of this Province, with Obſervations thereon, which have remained unanſwered.

2. His Majeſty's Canadian Subjects, who voted and ſigned the Petition of November 1784, to the Number of 1,518, perſevere in the ſame Sentiments, and are as reſpectable as the Subſcribers of the 13th October laſt, with regard to their Number, their Loyalty, their Fortune, or their Character, or even their Knowledge of the true Intereſts of this Province.

3. The Agent of the Petitioners of November 1784, in introducing and ſubmitting their Petition to the Examination and Diſcuſſion of Parliament, has not been guilty either of Injuſtneſs or Raſhneſs, or in preſenting it in the Name, and as Agent of the ſaid Petitioners, ſince he had been unanimouſly choſen for that Purpoſe, and authorized by the Committees, repreſenting the large Body of the old and new Subjects, who have ſubſcribed to the ſaid Petition.

4. Your Petitioners yield with Reluctance to the indiſpenſable Neceſſity of obſerving to your Lordſhip, with all due Reſpect, that in the Liſt of their Opponents they perceive the Names of Judges, Counſellors, and others, who partake of a Part of the Penſions, Salaries, and lucrative Offices under Government; they will not allow themſelves to reflect on what ſuch an Oppoſition ſuggeſts. That Liſt is ſwelled with the Names of ſundry Proprietors of unimportant Seigneuries, a Number of whom have taken out Qualifications as Seigneurs without being ſuch, and others have taken their Titles from Seigneuries which do not exiſt, or to which they have not any Right.

5. The Petitioners of the 13th of October laſt, having thought fit to repreſent themſelves to His Majeſty and your Lordſhip as the chief Proprietors and principal Seigneurs of this Province, your Petitioners are notwithſtanding of Opinion, that it is their indiſpenſable Duty to point out to your Excellency, that on the beſt Information which they have been able to procure, the old Subjects are in Poſſeſſion of Seigneuries in this Province amounting to the Annual Income of more than £. 10,000 Currency, and that the Yearly Income of the Seigneuries in the Poſſeſſion of the new Subjects, who have not ſubſcribed to the Addreſſes of 13th October laſt, is valued at the Sum of £. 8,895 Currency and more, without comprehending therein the Produce of the Seigneuries of His Majeſty and the Corporations in this Province; whilſt the Seigneuries belonging to the Subſcribers of the 13th October laſt do not produce, at the higheſt Eſtimation, more than £. 6,000 Currency.

This plain Account will point out to your Excellency in what Proportion thoſe Subſcribers hold Seigneuries in this Province, and what Right they have to the Preponderance which they claim; that if the Real and Perſonal Rights of the Petitioners of November 1784 are compared with

with thoſe of their Oppoſers, the Superiority of the former muſt evidently appear; and it muſt alſo be more evident that the Commercial Property, amounting to £. 1,246,023. 6 *s.* 8 *d.* Sterling, according to the Eſtimate ſubmitted to the Conſideration of the Honourable Legiſlative Council in the Seſſion of 1787 (whether belonging to Britiſh or Canadian Merchants) is almoſt all repreſented by the Subſcribers of November 1784.

In what we have mentioned above we have not noticed the Real and Perſonal Property of the Old Subjects, the Loyaliſts, newly ſettled in the upper Parts of the Province.

6. That we may be permitted to repreſent to your Excellency, that the Promoters of the Addreſſes of the 13th October laſt were the firſt to complain of the acting Laws in the Year 1783; nevertheleſs they do not now requeſt any Reform; they appear to have a Predilection for that which they then reprobated, in formerly requeſting " to be admitted without Diſ-" tinction, under any Form of Government which His Majeſty ſhall pleaſe " to eſtabliſh in this Province, to the valued Participation of the Favours, " Rights, Privileges, and Prerogatives, which His Majeſty's faithful Sub-" jects enjoy in every other Part of the Globe."

Your Lordſhip is fully convinced, that One of the deareſt Privileges of a Britiſh Subject is to participate, by a free Repreſentation, in the making of thoſe Laws to which they muſt ſubmit.

Since, then, the Addreſſes of the 13th October laſt have a Tendency to deprive a Number of Britiſh Subjects of a Right which they ought to poſſeſs, through their Repreſentatives, of preſerving their Laws, Cuſtoms, Uſages, Immunities, and Privileges, as well as to ameliorate and modify them as Circumſtances may require, and to which the beſt Laws are liable, ſince they are beſides founded on erroneous Principles, ſuppoſed Facts, and ridiculous Pretenſions, they ought of Conſequence to loſe the Weight which they ſeem to deſerve from the Sanction of ſome reſpectable Names, mixed with fictitious ones, which are thereto ſubſcribed.

Your Petitioners therefore join with their Opponents (and it is the Object of this Petition) to pray that your Excellency will be pleaſed to make a Report, which may deſcribe the Two Parties, and prove the real Importance, Poſſeſſions, and Intereſts of both.

And your Petitioners, as well from Attachment as Duty, will not ceaſe to pray for the Preſervation of your Perſon and Family.

Montreal, 4th December 1788.

(Signed)

P^RE GUY.	J. DELISLE.
PH. DEROCHEBLAVE.	TH. PAPINEAU.
DUMAS S^T MARTIN.	M^OE BLONDEAU.
P^RE FORETIER.	J. F. PERRAULT.

N° 26.

(COPIE.) Montreal 24 Dec. 1788.

MEMOIRE et PETITION à S. E. Lord Dorcheſter au Soutien de la très humble Addreſſe des Citoyens et Habitants Sujets Canadiens des differents Etats dans la Province de Quebec et Canada, à Sa Majeſté, du 13e Octobre dernier, et pour ſervir de Reponſe et Refutation au Memoire et Requête des Marchands et d'autres, tant pour eux que pour leurs Conſtituants, du 1e et 5e Decembre ſuivants (1788.)

A ſon Excellence le Trés Honorable Guy Lord Dorcheſter, Capitaine Général et Gouverneur en Chef des Colonies de Québec, Nouvelle Ecoſſe, et Nouveau Brunſwick, et de leurs Dependances, Vice Amiral d'icelles, Général et Commandant en Chef de toutes les Troupes de Sa Majeſté dans les dites Colonies, et dans l'Iſle de Terreneuve, &c. &c. &c.

MEMOIRE et PETITION,

Au Soutien de la très humble Addreſſe des Citoyens et Habitants Sujets Canadiens de différents Etats dans la Province de Québec, en Canada, à Sa Majeſté, en Date du 13 Octobre dernier; et pour ſervir de Réponſe et Réfutation au Mémoire et Requête des Marchands et autres des Villes de Quebec et de Montréal, tant pour eux que pour leurs Conſtituants, en Date des 1er et 5me Decembre ſuivants.

Qu'il plaiſe a Votre Excellence,

LES nouveaux Sujets Canadiens de Sa Majeſté, en faiſant connoitre à votre Seigneurie leurs vrais Sentiments, ne peuvent s'empêcher de lui exprimer le Déplaiſir que leur cauſent les Démarches ſi ſouvent reiterées des anciens Sujets conjointement avec quelques nouveaux. Et combien plus déſagréable leur devient la Néceſſité où ils ſe trouvent d'approfondir une Matière auſſi délicate, pour ne point troubler l'Harmonie qui a regné ſi avantageuſement ſous le Gouvernement de votre Seigneurie. Quoique peut-être le Nombre des Signatures que nous avons déja produit devroit paroitre ſuffiſant pour prouver le Point eſſentiel de notre Oppoſition, qui dit, que les grands Propriétaires de notre Nation, et les differents Etats qui la compoſent, n'ont point été conſultés; cependant, pour ne laiſſer aucun Doute ſur les Obſervations légèrement avancées par les ſoi-diſant Comités, qui ont ſigné les Mémoires du 1er et 5me du preſent Mois, nous croyons de notre Devoir, et de l'Intérêt de nos Compatriotes, de repréſenter humblement à votre Seigneurie,

Que cette Aſſemblée, tenuë dans l'Automne de 1784, n'eſt ni légale, ni reguliere,

reguliere, ni générale. Elle fut convoquée de 10 Heures du Matin a 3 Heures après Midi du même Jour: Aucune Perſonne n'étoit dénommée dans le Convocation; une grand Partie des Citoyens ne fut point avertie; les Propriétaires de la Banlieue n'en eurent aucune Connoiſſance; et les Seigneurs et Tenanciers des Campagnes, dans toute l'Etendue de la Province, n'en furent point inſtruits. Un ancien Sujet ſeul fit l'Election, qu'ils n'ont pas même ſuivie, comme votre Seigneurie peut s'on convaincre par une Lettre publique, en Forme de Protêt, cy-jointe ſous la Lettre A.

Que les Adreſſes du 13e Octobre dernier ne ſont, il eſt vrai, ſignées que par 744 Perſonnes; mais ne ſont pas moins une Suite d'une pareille Oppoſition formée en Décembre de l'Année 1784. Soutenuë par les Signatures de Trois Mille et quelques Cens Seigneurs, Citoyens, et Tenanciers, cette Adreſſe de 1784, quoique les Petitionaires des 1er et 5me de Décembre affectent de la paſſer ſous Silence, eſt particulierement mentionnée dans celle du 13 Octobre dernier, et fut rédigée au Deſir d'une Aſſemblée reſpectable et nombreuſe, tenuë volontairement, paiſiblement, et avec l'Union la plus parfaite, peu de Jours après la leur.

Que ces anciennes Loix et Uſages de notre Province, dont ils s'efforcent en vain de paroitre les zélés Conſervateurs, ſeroient bientôt dénués de Protecteurs, ſi, réüſſiſſant dans leurs Demandes, ils en devenoient les Arbitres. A quelles Viciſſitudes, inſéparables d'une telle Conſtitution, ces Loix ne ſeroient elles pas ſujettes, leur plus grand Soin ayant été de ſe reſerver le Droit de les altérer à Volonté? Ces beaux Noms de Candeur et d'Impartialité, dont le Mérite réel eſt de notre Côté, ceſſeront de leur être attribués lorſqu'il ſera prouvé à votre Seigneurie que l'Impreſſion et Publication de leur Adreſſe de 1784 n'ont vû le Jour que dans le Mois de Fevrier de l'Année ſuivante, et dont votre Seigneurie trouvera Copie ci-annexée ſous la Lettre B. Par cette Date on peut juger ſi c'étoit bien le Tems de prétendre inſtuire un Peuple entier, lorſque toutes Demandes, Adreſſes, et Mémoires étoient déja envoyés. Ce qui eſt plus frappant, nous prouvons que leur Adreſſe, au lieu de reſter ſans Réponſe, fut au contraire répondüe par des Obſervations et Objections à leurs Demandes, imprimées dans le Mois de Décembre 1784, et renduës publiques par plus de Cent Exemplaires, dont un, ſous la Lettre C. eſt auſſi cy-annexé. Il faut avoüer que le Hazard ſeul nous avoit favoriſé d'une Copie de leur Adreſſe, malheureuſement pour eux confiée à des Perſonnes bien eloignées de leur Syſtême.

Que la Pétition du 13e Octobre dernier étant au Soutien de l'Oppoſition de Decembre 1784, c'eſt au Nombre de Trois Mille et quelques Cens Signatures, qui y étoient appoſées, que l'on doit avoir Recours. Ce Nombre eſt dans un Etat beaucoup plus intacte que celui de 1518, qu'ils s'approprient. La Publication de ces Adreſſes du 13e Octobre dernier devoit les en convaincre s'ils avoient voulu faire tant ſoit peu d' Attention aux Noms de pluſieurs Citoyens reſpectables, que leur Honneur a engagé à reconnoitre l'Erreur dans laquelle ils étoient tombés; neanmoins, ils le ſervent encore de leurs Noms et de bien d'autres, auprès deſquels ils n'ont pas oſé renouveller leurs Inſtances actuelles: Delà, il eſt aiſé de juger s'il y a Témérité de la Part de cet Agent, de s'être ſervi de ces Noms, et du Pouvoir de la Nation Canadienne.

Que

Que notre Conduit à toujours été uniforme et conſéquente. Si en 1783 quelques uns de nous ont ſouſcrit une Petition aux fins de jouir Droits et Privilèges des Sujets Britanniques ſans Diſtinctions, le But de cette Petition étoit l'Introduction de cette Loi ineſtimable de l'Habeas Corpus dans notre Province, et l'Admiſſion des nouveaux Sujets de Sa Majeſté dans toutes les Places et Emplois du Gouvernement, proportionnément à leur Nombre: Toujours conſtants dans ces Demandes, nos Adreſſes de 1784 et 1788 en ſont Foi. Quant à cette Chambre d'Aſſemblée ce Projet n'étant connu de Perſonne, et n'ayant jamais été agité, nous y pouvions nous y oppoſer. Ne ſeroit-ce pas plutôt jetter un Doute plus ſenſible ſur une Loyauté qui ne fut jamais équivoque, que d'accorder, ſans avoir Egard à l'Importance de nos Oppoſitions, des Demandes qui nous ſont ſi contraires, et qui ne ſont appuyées que d'un ſi petit Nombre de notre Nation?

Que les Petitionaires des 1^er^ et 5^me^ du préſent Mois, au lieu d'uſer d'une Réticence affectée et peu libérale, ſans ceder à leur Devoir, auroient mieux fait de donner une libre Carriere à leurs Opinions ſur les Juges, Conſeillers, et autres qui ſe ſont joints à nous dans toutes nos Oppoſitions. Ces Qualités, bien loin de nous rendre ſuſpects les Caractères reſpectables qui en ſont décorés, ſont au contraire que notre Nation les regardera toujours comme des Protecteurs qui, n'ayant point oublié le Titre de Citoyen, ſe font un Devoir de ſoutenir ſes Privilèges. Les Repréſentants du 13 Octobre dernier, en ſe qualifiant Seigneurs, y avoient tous un Droit inconteſtable, et ne peuvent conſequemment perdre le Poids qu'ils doivent avoir. Avec plus de Raiſon, nous pourrions faire de pareilles Obſervations, mais nous laiſſons aux Connoiſſances ſupérieures de votre Seigneurie cette Diſtinction: Que les Adreſſes du 13 Octobre dernier ſont certainement ſignées par les grands Propriétaires et Tenanciers de notre Nation, leſquels n'ont jamais été conſultés. Quelqu'un moins inſtruit que votre Excellence des Sentiments des Seigneurs qui compoſent cette Province, auroit pû ſe laiſſer ſurprendre à ces diverſes Liſtes de Seigneurs, anciens et nouveaux Sujets, qu'ils ont donné ſous un Jour à faire croire que ceux qui y ſont compris n'ayant point ſigné les Adreſſes du 13 Octobre dernier, ſont indubitablement de leurs Opinions; tandis qu'il eſt notoire que pluſieurs leur ſont oppoſés, et un grand Nombre ignorent leurs Démarches. Nous croyons à plus juſte Titre pouvoir dire, que ceux de ces Seigneurs, et autres Propriétaires, qui ſont dans entiere Ignorance de tout ce qui ſe paſſe, et dans une Sécurité parfaite, doivent être par leur Silence regardés comme ſatisfaits du Syſtême actuel de notre Conſtitution; et avec bien moins de Raiſon doit-on dire qu'ils s'en plaignent, et parler en leur Nom à cet Effet.

Que l'Eſtimation des Revenus des Seigneuries, devenant nulle par l'Erreur où ils ont tombé en mettant de leur Parti tous Propriétaires qui n'ont pas ſigné avec nous; et d'ailleurs, ne démontrant pas ſur quoi ils l'ont appuyé, il eſt inutile d'y répondre. On ne doit pas conſidérer ſeulement le Revenu du Seigneur, on doit beaucoup à la Propriété des Tenanciers, qui, ſi nous en calculons le Nombre qui compoſe notre Province, fera voir une Quantité conſidérable de Suffrages qui leur manquent; et cependant ils y ont un Droit inconteſtable. Plut à Dieu que ce Million Deux Cens Quarante-ſix Mille Vingt-trois Livres Six Schellings Huit Deniers du Commerce ſe

réaliſât

réaliſât la Droiture de nos Intentions, ne laiſſe aucun Doute ſur les Vœux ſincères que nous formons à ſon Egard. Si ce Calcul eſt vrai, notre Syſtême actuel ni leur eſt donc pas défavorable. En admettant qu'il le ſoit, ces Sortes de Richeſſes ne fixent point l'Individu dans un Pays; les Propriétaires ſeuls ont Droit à la Conſervation ou Altération de leurs Loix et Conſtitutions. On ſcait les Précautions qu'on doit apporter pour l'Etabliſſement d'une Loi, et combien plus grands doivent être ces mêmes Précautions pour la changer. C'eſt ſur ce Principe que dans les Mois de Janvier et Fevrier l'Année 1787, les Citoyens Canadiens, des Villes de Quebec et de Montréal, formerent des Pétitions à votre Excellence; il eſt étonant que pluſieurs de ceux qui les ont ſigné dans le Tems, agiſſent maintenant d'une Maniere ſi contraire à des Points par eux ſi clairement et ſi juſtement démontrés.

Que, ſur la Publication dans la Gazette de Quebec, le 18 du préſent Mois, de deux Mémoires et Requêtes, l'une dattée de Montreal, le 4e Décembre, ſignée de Huit Perſonnes, et l'autre de Québec, du 5 du même Mois, ſignée par 12. Nous ne pouvons nous empêcher d'obſerver à votre Excellence, que ces Deux Requêtes faites ſéparément, nous ont paru plus ſuſceptibles d'Affectation de leur Part, que de Principes ſolides que dûſſent mériter notre Attention. Elles ſont une Répétition pas mieux fondée, que la Pétition des anciens Sujets que nous croyons avoir amplement refutée. Nous nous contenterons de dire qu'il nous parôit plus étrange de leur Part, d'avoir voulu tirer leur Importance des Sujets Loyaliſtes nouvellement établis dans cette Province; tandis que par Devoir, et par cette Juſtice qu'ils doivent à leurs Compatriotes, ils auroient dû ſoutenir avec nous qu'aucune Raiſon de Nombre ou d'Intérêt particulier ne doit nous priver d'une Conſtitution dont nous ſommes redevables aux Faveurs Royales de Sa Majeſté, et des Loix ſi ſolemnellement promiſes et garanties, dont la Conſervation eſt un de nos Droits les plus ſacrés.

Vos Répréſentants oſent ſe flatter d'avoir répondu d'une Maniere ſatisfactoire et poſitive à des Faits dénués de toutes Preuves d'avoir démontré l'Erreur des Eſtimations et des Calculs imaginaires, et la Futilité des Aſſertions des Pétitionaires des 1er, 4me, et 5me du preſent Mois. La Répugnance que nous avons pour ces Débates Litteraires, qui ſont la Source de bien des Conſéquences dangéreuſes, nous fait ometre des Détails que les Connoiſſances de votre Seigneurie ſur l'Etat actuel de la Province et ſes Individus, nous faut eſpérer qu'elle voudra bien ſuppléer au Tableau qu'il nous ſeroit ſi avantageux de lui préſenter. Si votre Excellence entretient le moindre Doute ſur la Vérité de nos Allégués, et ſur les Sentiments généreaux de notre Nation, nous la ſupplions de faire intervenir ſon Autorité pour connoitre, par les Voies que ſa Sageſſe ordinaire pourra lui ſuggérer, l'Opinion et le Vœu général des loyaux Sujets Canadiens de Sa Majeſté. Si vos Répréſentants vouloient remonter à une Epoque plus reculée, il leur ſeroit facile de convaincre votre Seigneurie que c'eſt à une Carrière trop libre et ouvertement ſoutenuë par certaines Perſonnes, que ce nouveau Syſtême de nos Oppoſants a dû ſon Exiſtence; et que nous pouvons avancer que l'Influence de ces Perſonnes en a entrainé un Nombre d'autres, ſans en connoître les Conſéquences. Nous ne pouvons non plus citer nos vrais Motifs de Patriotiſme et de Loyauté en formant nos Oppoſitions. Nos Peuples, trop pauvres et trop endettés, ſont incapables de ſupporter les

Taxes qui doivent néceſſairement reſulter du Syſteme propoſé par les Petitionaires. L'Exemple malheureux de cette Inſurrection récentes des Colonies voiſines, qui a pris ſa Source dans un pareil Syſtême, nous répréſente continuellement ſous les Yeux le déplorable Sorte de notre Nation, ſi elle en devenoit la Victime, en perdant de Vuë les Intérêts qui doivent l'attacher ſi étroitement à ceux de notre Monarque bienfaiſant: Nous n' avons pas à craindre, avec de ſemblables Vuës, les Reproches de nos Compatriotes, ni le Rapport et le Caractère que votre Seigneurie daignera donner de nous à Sa Très Gracieuſe Majeſté. C'eſt pourquoi nous la ſupplions encore plus fortement d'y donner toute ſon Attention, de conſiderer nos Démarches commue conformes à celles que nous avons toujours ſuivies, et dont votre Excellence a pu ſe convaincre par les Pieces dont elle eſt munie. Vos Répréſentants, ne doutant pas que les Pétitionaires des prémier, 4me, et 5me du préſent Mois ont tranſmis Copies de leurs Pétitions en Angleterre, prenent la Liberté de ſupplier votre Seigneurie de faire parvenir au Pied du Trône de leur Auguſte Souverain une Copie de la préſente, qu'ils ont l'Honneur de vous adreſſer; et pour ce nouveau Bienfait ils ne ceſſeront de prier pour la Proſpérité de votre Excellence, et la Conſervation de ſon illuſtre Famille.

Montreal,
le 24 Decembre 1788.

(Signed by 2,115 Perſons,)

N° 27.

TRANSLATION. Montreal, 24th December 1788.

MEMORIAL and PETITION to Lord Dorcheſter, in Support of the humble Addreſs to His Majeſty of the Citizens and Inhabitants Canadian Subjects of the different States in Quebec and Canada, dated the 13th of October laſt; and as an Anſwer and Refutation to the Memorial of the Merchants and others of Quebec and Montreal, for themſelves and their Conſtituents, bearing Date the 1ſt and 5th December following (1788.)

To His Excellency the Right Honourable Guy Lord Dorcheſter, Captain General and Governor in Chief of the Colonies of Quebec, Nova Scotia, and New Brunſwick, and their Dependancies, Vice Admiral thereof, General and Commander in Chief of all His Majeſty's Forces in the ſaid Colonies, and in the Iſland of Newfoundland, &c. &c. &c.

MEMORIAL and PETITION

In Support of the moſt humble Addreſs of the Citizens and Inhabitants, Canadian Subjects of the different States in the Province of Quebec, in Canada, to His Majeſty, bearing Date the 13th of October laſt; and ſerving for Anſwer and Refutation to the Memoir and Requeſt of the Merchants and others of the Cities of Quebec and Montreal, as well for themſelves as their Conſtituents, bearing Date the 1ſt and 5th of December following.

May it pleaſe your Excellency,

THE new Canadian Subjects of His Majeſty, in acquainting your Lordſhip with their real Sentiments, cannot refrain from expreſſing their Diſpleaſure at the reiterated Proceedings of the old, conjointly with ſome new Subjects. This becomes the more diſagreeable, from the Neceſſity under which they find themſelves, of inveſtigating ſo delicate a Subject, and at the ſame Time to avoid interrupting that Harmony which has ſo happily ſubſiſted under your Lordſhip's Government. Although, perhaps, the Number of Signatures which we have already produced ought to ſuffice to eſtabliſh the eſſential Ground of our Oppoſition, which ſays, that the great Landholders of our Nation, and the different States which compoſe it, have not been conſulted, nevertheleſs, in order to obviate all Doubts relative to the Obſervations, lightly advanced, of the ſelf-named Committees who have ſigned the Petitions of the 1ſt and 5th of the preſent Month, we think it as well our Duty as the Intereſt of our Countrymen humbly to repreſent to your Lordſhip, That this Aſſembly, which was held in the Autumn of 1784, was neither

neither legal, nor regular, nor general. It was convened from between Ten o'Clock of the Morning to Three o'Clock of the Afternoon of the ſame Day; no Perſon was appointed from the Convocation; a great Number of the Citizens was not informed of it; the Proprietors of the Precincts had no Knowledge of it; the *Seigneurs* and Country Tenants throughout the whole Extent of the Province, were not made acquainted with it: One ancient Subject alone made the Election, which they did not even follow, as your Lordſhip may convince yourſelf by a Letter publiſhed in the Form of a Proteſt, annexed under the Letter A.

That the Addreſſes of the 13th of October laſt are not, it is true, ſigned by more than 744 Perſons; but that they are nevertheleſs a Continuation of that ſame Oppoſition which was formed in the December of the Year 1784, ſupported by the Signatures of Three thouſand and ſome hundred *Seigneurs*, Citizens, and Tenants. This Addreſs of 1784, notwithſtanding that the Petitioners of the 1ſt and 15th of December affect to paſs it over in Silence, is particularly noticed in that of the 13th of October laſt, and was drawn up at the Deſire of a numerous and reſpectable Aſſembly, held voluntarily, peaceably, and in the moſt unanimous Manner, a few Days after their own.

That the ancient Laws and Cuſtoms of our Province, of which they in vain endeavour to appear the zealous Defenders, would in a ſhort Time be deprived of Protectors, if, ſucceeding in their Demands, they ſhould become the Arbiters of them. To what Changes, inſeparable from ſuch a Conſtitution, would not theſe Laws become ſubject, ſeeing that their greateſt Care has been to reſerve to themſelves the Right of altering them at Pleaſure? Thoſe fine Names of Candour and Impartiality, the real Merit of which is on our Side, will no longer be given them, after it ſhall be proved to your Lordſhip that the printing and publiſhing of their Addreſs of 1784 did not appear until the Month of February of the following Year, a Copy of which your Lordſhip will find annexed under the Letter B. By this Date we may judge whether this was a Time to pretend to inſtruct an whole People, when all the Requiſitions, Addreſſes, and Petitions were already alſo tranſmitted. What is yet more ſtriking, we can prove that their Addreſs, ſo far from being unanſwered, was, on the contrary, replied to by Obſervations on and Objections to their Demands, printed in the Month of December 1784, and publiſhed in more than an Hundred Copies, one of which, under the Letter C, is alſo annexed. We muſt confeſs, that Chance alone procured us a Copy of their Addreſs, entruſted, unfortunately for them, to Perſons who were entirely averſe to their Syſtem.

To prove that the Petition of the 13th of October was in Support of that of December 1784, we have only to refer to the Three thouſand and ſome Hundred Signatures which were affixed to it; that Number is in a much more entire State than that of the 1,518, which they appropriate to themſelves. The Publication of theſe Addreſſes of the 13th of October laſt would have convinced them of it, had they been diſpoſed to pay Attention to the Names of many reſpectable Citizens, whoſe Honour engaged them to avow the Error into which they had fallen; nevertheleſs they yet make uſe of their Names, as well as thoſe of many others, to whom they dare not renew their Solicitations. Hence it is eaſy to judge what has been the

Temerity

Temerity of that Agent who has thus made uſe of their Names, and of the Power of the Canadian Nation.

That our Conduct, on the contrary, has been uniform and conſiſtent. If, in 1783, ſome of us ſigned a Petition praying to enjoy the Rights and Privileges of Britiſh Subjects without Diſtinction, the Object of that Petition was the Introduction of the invaluable Law of Habeas Corpus into our Province, and the Admiſſion of His Majeſty's new Subjects into all the Places and Employs of Government, in Proportion to their Number: Always conſiſtent in theſe Demands, our Addreſſes of 1784 and 1788 bear Teſtimony to. As for what relates to an Houſe of Aſſembly, that Project being communicated to no one, and having never been agitated, we could not declare our Oppoſition to it. Would it not be to doubt our unimpeached Loyalty, to grant theſe Demands, without paying Attention to our Oppoſition to them, to their being ſo contrary to us, and ſupported only by ſo ſmall a Portion of the Canadian Nation?

The Petitioners of the 1ſt and 5th of the preſent Month, inſtead of preſerving an affected and illiberal Silence, would have done better, without in anywiſe having ſwerved from their Duty, if they had freely delivered their Opinions upon the Judges, Counſellors, &c. who have joined us in this our Oppoſition. Theſe Qualities, far from rendering us ſuſpected, will, on the contrary, prove to the Canadian Nation, that thoſe reſpectable Characters who poſſeſs them, far from forgetting the Titles of Citizens, make it their Duty to ſupport their Privileges. The Repreſentatives of the 13th of October laſt, in calling themſelves *Seigneurs*, did no more than that to which they had an inconteſtable Right, and cannot conſequently loſe any of that Weight to which they are entitled. We might, with more Juſtice, make the ſame Obſervations; but we ſubmit this Diſtinction to the ſuperior Knowledge of your Excellency, that the Addreſſes of the 13th of October laſt are certainly ſigned by the great Proprietors and Tenants of our Nation, who were never conſulted. A Perſon leſs acquainted than your Excellency with the Sentiments of thoſe *Seigneurs* who compoſe this Province might have ſuffered himſelf to be deceived by thoſe different Liſts of old and new Subjects, which they have preſented in ſuch a Manner as to impoſe the Belief that thoſe who oppoſe it, not having ſigned the Addreſſes of the 13th of laſt October, are undoubtedly of their Opinions; whilſt it is notorious that many are hoſtile to it, and that a great Number are ignorant of the Meaſures which they have purſued. We believe we may with Reaſon ſay, that thoſe of thoſe *Seigneurs* and other Proprietors who live in a total Ignorance of all that paſſes, and in a State of perfect Security, ought, by their Silence, to be conſidered as contented with the preſent Syſtem of our Conſtitution; with much leſs Reaſon, therefore, ought they to aſſert that theſe Perſons complain, and ſpeak in their Name to that Effect.

That the Calculation of the Revenues of the Seignories becomes null by the Error into which they have given, in ranging on their Side all thoſe Proprietors who did not ſign with us; beſides, it not having been demonſtrated on what they have founded it, it is uſeleſs to anſwer it. We muſt not calculate only the Revenue of the *Seigneur*, much alſo muſt be allowed for the Property of the Tenants, who, were we to calculate their

Number who inhabit this Province, would bring to Light a conſiderable Number of Names which they want, and yet they have an undoubted Right. Would to God that this Million Two hundred and Forty-ſix thouſand and Twenty-three Pounds Six Shillings and Eight Pence of Commerce could be realized! The Integrity of our Intentions cannot leave any Doubt of the Sincerity of our Wiſhes with reſpect to it. If this Calculation be true, our preſent Syſtem cannot be ſo unfavourable to them; but in admitting even that it is ſo, ſince that is a Kind of Riches which does not attach an Individual to a Country, the Proprietors alone have a Right to the retaining or changing their Laws and Conſtitutions. Every one knows how many Precautions are neceſſary in the making of a Law; and how much greater ought theſe ſame Precautions to be with reſpect to the repealing it? It was on this Principle that, in the Months of January and February, of the Year 1787, the Canadian Citizens of the Cities of Quebec and Montreal drew up Petitions to your Excellency. It is ſurprizing that many of thoſe who then ſigned them ſhould now act in ſo different a Manner upon Points which they themſelves ſo clearly and juſtly demonſtrated.

We cannot forbear remarking to your Excellency upon the Publication, in the Quebec Gazette of the 18th of the preſent Month, of Two Memoirs and Petitions, the One dated from Montreal, of the 4th of December, ſigned by Eight Perſons, and the other from Quebec, of the 5th of the ſame Month, ſigned by Twelve Perſons, that theſe Two Petitions ſeparately drawn up, appear to us to be rather founded on Affectation on their Part, than upon ſuch ſolid Principles as ſhould merit our Attention; it is a Repetition, without any better Foundation for it, than of the Petition of the ancient Subjects, which we flatter ourſelves we have amply refuted. We ſhall content ourſelves with ſaying, that their Conduct appears to us very ſingular, in wiſhing to derive their Importance from thoſe Subjects, Loyaliſts, who are lately ſettled in this Province; whilſt from Duty, and from that Juſtice which they owe their Fellow Citizens, they ought rather to have maintained with us that no Reaſon of Numbers, or of the Intereſts of Individuals, ought to deprive us of a Conſtitution for which we are indebted to the Royal Favours of His Majeſty, as well as of Laws ſo ſolemnly promiſed and guaranteed to us, the Preſervation of which is One of our moſt ſacred Rights.

Your Petitioners flatter themſelves with having anſwered in a ſatisfactory and poſitive Manner their Aſſertions unſupported by Proofs, and to have pointed out the Errors of their Eſtimations and imaginary Calculations, as well as the Futility of the Aſſertions of the Petitioners of the 1ſt, 4th, and 5th of the preſent Month. The Diſlike which we have to theſe literary Debates, and which are the Source of many dangerous Conſequences, induces us to decline entering into Details, which the Information of your Lordſhip, upon the actual Situation of this Province and its Inhabitants, renders unneceſſary, and which we hope will furniſh you with thoſe Deſcriptions which it would be ſo much for the Intereſt of our Cauſe to lay before you. If your Excellency ſhould entertain the leaſt Doubt of the Truth of our Allegations, and of the general Sentiments of our Nation, we beſeech you to interpoſe your Authority, in order to aſcertain, by thoſe Means which your

Lordſhip's

Lordſhip's wonted Wiſdom will point out to you, the Sentiments and the general Wiſhes of His Majeſty's loyal Canadian Subjects. If your Petitioners were diſpoſed to look back to a remote Period, it would be eaſy for them to convince your Lordſhip, that it is owing to a too free Courſe, openly ſupported by certain Perſons, that this new Syſtem of our Antagoniſts owes its Exiſtence; and that we are able to prove that the Influence of theſe Perſons has miſled a Number of others, who were unacquainted with the Conſequences of it; neither can we cite our true Motives of Patriotiſm and of Loyalty in forming our Oppoſition. Our People are too poor and too much in Debt to be able to ſupport the Taxes which would neceſſarily reſult from the propoſed Syſtem of the Petitioners. our Adverſaries.—The unhappy Example of the recent Inſurrection in the neighbouring Colonies, which derived its Source from a ſimilar Syſtem, points out to us continually what would be the deplorable State of our Nation, were it to become a Victim to it, by loſing Sight of thoſe Intereſts which ought to unite it ſo cloſely with thoſe of our benevolent Monarch. With theſe Views we do not fear the Reproaches of our Countrymen, nor the Character which your Lordſhip will condeſcend to give us to His Moſt Gracious Majeſty: Wherefore we intreat you in the ſtrongeſt Manner to pay every Attention to it, to conſider our Conduct as conformable to that which we have always maintained, of which your Excellency may convince himſelf by thoſe Papers which are in his Poſſeſſion.—Your Proteſters, not doubting but that the Petitioners of the 1ſt, 4th, and 5th of the preſent Month, have tranſmitted Copies of their Petitions to England, take the Liberty of entreating your Lordſhip to tranſmit to the Foot of His Majeſty's Throne a Copy of the preſent Petition, which they have the Honour to lay before you; and for this recent Kindneſs your Petitioners will not ceaſe to pray for the Proſperity of your Excellency, and the Preſervation of his illuſtrious Family.

Montreal,
24th December 1788.

(Signed by 2,115 Perſons.)

N° 28.

MEMORIAL of new Subjects of Quebec, 31ſt December 1788.

(COPIE.)

A' SON Excellence le Très Honorable Guy Lord Dorcheſter, Capitaine Général et Gouverneur en Chef des Colonies de Quebec, Nouvelle Ecoſſe, et Nouveau Brunſwick, et Dépendances, Vice Amiral d'icelles, Général et Commandant en Chef des Troupes de Sa Majeſté dans les dites Provinces, et dans l'Iſle de Terre Neuve, &c. &c. &c.

Si votre Excellence veut bien le permettre,

NOUS les nouveaux Sujets, Citoyens de la Ville et Diſtrict de Quebec, qui ont ſignés les très-humbles Requêtes a Sa Très Excellente Majeſté, le 13 Octobre de cette Année, en Oppoſition à celle de quelques anciens et nouveaux Sujets, demandans une Chambre de Repreſentans en cette Province, et le Rapel de l'Acte de Quebec; croirions nous manquer à nous-mêmes, à ceux qui ont ſignés avec nous, et à l'Intention du plus grand Nombre des Canadiens, ſi nous ne faſſions quelques Obſervations ſur des Mémoires preſéntés à votre Excellence les 1' 4, et 5 de ce Mois, publiés dans la Gazette de Quebec; plus modeſte que les Redacteurs des Trois Mémoires, qui ſe pretendent Comité contre la Loi, nous n'oſerons point, Milord, prendre un Titre auquel nous n'avons aucun Droit. La Saiſon, l'Eloignement des Paroiſſes, et le peu de Tems que nous aurions eu juſqu'au Depart de la Malle, ne nous ont permis de raſſembler les Suffrages: Ce ſera donc ſeulement comme Individus, et comme Membres de la Nation Canadienne, que nous prenons humblement la Liberté d'offrir à votre Excellence nos préſentes Obſervations; et nous nous flattons, que nous réuſſirons mieux à faire connoître à votre Excellence les Intentions du plus grand Nombre des Habitans naturels de ce Païs, que ceux qui s'en diſent très-illégalement les Repréſentans.

Les Aſſertions hazardies, les Calculs errronés, que contiennent ces Mémoires pourroient trouver de la puy loin du Lieu où la Trame eſt ourdie ſi nous negligions de donner les Moiens à detruire les Impreſſions qu'ils laiſſeroient ſans Doute dans l'Eſprit de ceux qui connoiſſent imparfaitement les Païs et les Individus dont il eſt compoſé.

Les Habitans nombreux de cette Province, heureux ſous un Gouvernement moderé, preſque tous Cultivateurs paiſibles, Etrangers à l'Intrigue et à l'Eſprit de Parti, ſans Taxes directes ſur leurs Proprietés, doutent qu'il puiſſe exiſter pour eux un Etât plus fortuné; ſi quelqu'uns ont preté l'Oreille aux Projets d'Innovations, c'eſt parce qu'ils ont crû que ces Innovations étoient les ſeuls Rèmedes à leurs Plaintes, et les ſeuls Moiens à conſerver leurs

Loix

Loix de Proprieté, leur Religion, et même le Bonheur de la Province, qui étoient en Danger. De cet Expoſé à votre Excellence, qui connoît parfaitement les Habitans de ce Païs, il en reſultera que le Projet d'innover dans le Syſtême de notre Legiſlation ne vient que du plus petit Nombre, à qui nos Loix repugnent, et qui deſirent d'en introduire d'Etrangeres; et ce petit Nombre à entrainé ceux qui paroiſſent dans les Liſtes qui ont été préſentées à votre Excellence, les quels ignorent abſolument les vrais Motifs et les mauvaiſes Suites de telles Innovations.

Notre Religion, nos Loix de Proprieté, notre Sureté perſonelle, voilà ce qui nous intereſſe, et ce dont nous pouvons jouir le plus amplement, par le Bill de Quebec; un Chambre d'Aſſemblée nous repugne par les Conſéquences fatales qui en reſulteront. Pourions nous nous flatter de conſerver long-tems, comme Catholiques Romains, les mêmes Prérogatives que les Sujets Proteſtants dans une Aſſemblée de Repréſentans; et ne viendroit il point un Tems en la Prépondérance de ces derniers influerait contre notre Poſterité? Dans ces Cas jouirions nous et notre Poſterité des Avantages que l'Inſtitution actuelle nous aſſure? Ne craindrons nous point encore de voir aſſeoir les Impôts ſur les Propriétés, tandis qu'ils ne portent actuellement que ſur des Objets de Commerce, que l'Habitant paie il eſt vrais, mais indirectement, et à Proportion de ce qu'il conſomme? Ne devrons nous point craindre de voir la Chambre des Répréſentans créer le Germe de la Diſſention, et nourir les Haines inteſtines, que des Interêts oppoſés entre des anciens et des nouveaux Sujets feraient eclore et ſuſciter? Nous allons nous ſervir des propres Armes de ces zélés Partiſans d'une Chambre de Répréſentans, et emploier leurs Calculs pour demontrer les Erreurs des Tableaux dont ils appuient leurs Addreſſes.

Il eſt à remarquer que le Mémoire des anciens Sujets, en préſentant la Liſte enflée des Revenus des Trente-ſix Seigneurs, anciens Sujets, montant à £. 10,346, ſemblerait inſinuer que ces Trente-ſix Seigneurs auraient donné leur Sanction à l'Adreſſe de 1784 pour une Chambre d'Aſſemblée, tandis que réellement il ne s'en trouve que 14 dont les plus apparens n'ont même point ſigné, et aux quels ils veulent cependant préter du Penchant pour les Méſures qu'ils ont adopté.

Les Partiſans de cette Aſſemblée de Répréſentans feignent auſſi d'ignorer que dans l'Année 1784 il a été tranſmis au Pieds du Trône une Addreſſe entierement oppoſée à une Chambre d'Aſſemblée, et que cette Addreſſe étoit ſignée de près de Quatre Mille Perſonnes; et que ſi dans notre Seconde Addreſſe du 13 Octobre les Signatures de ces mêmes Perſonnes n'ent point été receuillies, c'eſt qu'en ne la point crue néceſſaire, et qu'il ſuffiſoit de prendre celles des plus notables, et à la Convenance attendu l'Eloignement et la Saiſon; or il ne s'agit plus de Sept Cens Quarante-quatre Oppoſans à la Chambre d'Aſſemblée, mais d'environ Quatre Mille qui ont ſigné poſitivement contre cette Chambre, et dont les Signatures ſont dans les Mains des Miniſtres de Sa Majeſté; ce qui va former une Différence frappante dans le Reſultat de leurs Calculs imaginaires.

Nous ne placerons point non plus dans la Claſſe des Partiſans de la Chambre des Repréſentans les anciens et nouveaux Sujets qui ne l'ont point demandé; or ſi ſuivant leur Suputation on compte Vingt Mille Huit Cent

Pères de Familles Propriétaires de Bien Fonds, Sujets Canadiens : Si dans le même Proportion on ſuppoſe Deux Mille anciens Sujets, ſi ſur ce Total, reuni de Vingt-deux Mille Huit Cens, on deduit les Deux Mille Trois Cens Soixante-trieze Souſcripteurs pour une Chambre d' Aſſemblée ; au moins il reſtera Vingt Mille Quatre Cens Quatre Vingt-ſept Sujets, dont Quatre Mille et plus ſe ſont formellement opoſé au Projet de Reforme, en aiant eu Connoiſſance, les autres, ou l'ont ignoré et ne demandent aucun Changement, parce qu'ils ſont contens de la Forme de Gouvernement ou ont refuſé de ſigner ſur l'Adreſſe pour une Chambre d'Aſſemblée, lorſqu'elle leur à été preſentée, parce qu'ils en déſapprouvaient le But.

L'Article d'Un Million Deux Cens Quarante-ſix Mille Vingt-trois Livres Six Shellings Huit Pence Sterling, la Propriété du Commerce, preſque toute eſt il dit, entre les Mains des Souſcripteurs pour la Chambre, ne ſervira qu'à faire voir que les Aſſertions hazardies content peu à qui veut préſenter les Objets dans un Jour different qu'ils ne le ſont réellement ; un petit Nombre de Particuliers, dont les Trois Quarts ne ſont que des Laboureurs ou des Citoyens, dont les Revenues n'excedent certainement point les Quarante Livres qu'on veut gratuitement leur donner, et dont parmi les autres il ne ſe rencontre que peu de Marchands, de qui le Credit ſoit établi ſur des Fondemens ſolides, reunirait il une Maſſe immenſe et exaggerée qui en lui ſuppoſant l'Exiſtance qu'elle n'a point, ne peut être que diviſée et ſubdiviſée entre tous les Marchands de la Province, dont la pluſpart n'ont jamais ſouſcrits pour la Chambre d'Aſſemblée la Part des Negocians de la Grande Bretagne ne pourrait être plus conſidérable, ſi ces Meſſieurs, qui n'habitant point le Païs, avoient quelques Droits au Changement du Syſtême actuel de cette Province. Ce Million et quelques Cens Livres Sterling ne formera donc aucune Ballance en Faveur de la Démande de la Chambre, et ne pourra tourner que contr'elle, puiſqu'il eſt vrai que cette Somme ſe trouve repandue tant chez les Marchands de cette Province qui ont ſouſcrits pour la Chambre, que chez les Marchands de Londres, auſſi chez les Oppoſans à cette Chambre, et encore chez un Nombre de ceux qui ne veulent point entendre parler ni s'ingerer en aucune Façon dans les Affaires Politiques.

RECAPITULATION.

Partiſans de la Reforme.

14	Seigneurs anciens Sujets, valant, en Rentes Seigneuriales, et autre Revenus — —	£.	8,770
13	Seigneurs nouveaux Sujet, valant — —		5,385
2,346	Anciens et nouveaux Sujets de tous Etâts, à £. 40		93,840
2,373		£.	107,995
	A' deduire les Penſions & Salaires — —		440
	Reſte —	£.	107,555

On

On pourra donc tout au plus dire, que Deux Mille Trois Cens Soixante-treize Perſonnes, valant la Somme de Cent Sept Mille Cinq Cens Cinquante-cinq Livres de Revenus, ont demandé et ſouſcrit pour une Chambre d'Aſſemblée, par leur Adreſſe de 1784, et pour les Objets y continus ; mais il faut cependant obſerver que pluſieurs des Seigneurs, anciens Sujets, au Nombre de ceux portés cy-deſſus, n'ont point ſigné, que c'eſt mal à-propos qu'on avance qu'ils ſont Partiſans de l'Adreſſe ; et que ſi on deduiſait leurs Revenus de la Liſte qui concerne les Seigneurs anciens Sujets, elle ſe trouverait reduite à peu de Choſe. Que Deux des principaux Seigneurs en Revenus, nouveaux Sujets, qui étoient Membres, et a la Tête du Comitté de 1784 pour la Chambre, paraiſſent s'en entre retirés depuis, ſans Raiſon de *Mort* ni de *Vacances*. Il faut auſſi obſerver que des Deux Mille Trois Cens Quarante-ſix Sujets de toutes Denominations, evalués à £. 40 de Revenus, un Huitieme de ce Total n'à réellement point de Revenus ; et que les Sept autres Huitiemes ſont bien loin d'avoir les £. 40, qu'on leur donne auſſi gratuitement.

Opoſans à la Chambre d'Aſſemblée.

51	Seigneurs, valant, en Rentes Seigneuriales et autres Revenus,	—	—	—	£.	10,836
3,949	Sujets de toutes Dénominations ſur la Contr'adreſſe de 1784, et ſur celle de 13 Octobre dernier,					
4,000	a £. 40,	—	—	—		157,960
					£.	168,796
	A deduire les Penſions et Salaires			—		2,745
	Reſte			—	£.	166,051

It reſulte que 4,000 Perſonnes, valent £. 166,051, ſont formellement oppoſées la Chambre d'Aſſemblée, qu'elles ſurpaſſent en Nombre les Partiſans de la dite Chambre, comme Seigneurs de Vingt-quatre Individus, et comme Sujets de toutes Conditions de 1,603 Individus, et que leurs Revenus excedent ceux des Réformateurs de £. 58,496, en obſervant que les 51 Seigneurs opoſans ne ſont que ceux qui ont ſigné ſur l'Adreſſe du 13 Octobre dernier, et que beaucoup d'autres qui n'ont point ſigné ſur cette Adreſſe l'ont fait ſur celle de 1784, comme Opoſans à la Chambre d'Aſſemblée. Vos Supplians, repréſentant encore à votre Excellence le Tableau du Nombre et des Revenus de ceux qui n'ont point portés de Plaintes aux Pieds du Trône, et ſouſcris à la Demande d'un nouveau Syſtême, que tous les Canadiens atachés aux vrai Interêts de la Province redoutent, par les Conſequences malheureuſes qu'il entrainera.

Nombre

Nombre de ceux qui n'ont point entendu parler du Projet d'une Chambre d'Aſſemblée, ou qui n'ont point voulu ſigner pour cette Chambre.

36	Seigneurs anciens Sujets, valans, Penſions et Salaires deduit — — — — —	£. 13,754
75	Seigneurs nouveaux Sujets, valans, Penſions et Salaires deduit — — — — —	12,069
16,316	Sujets de toutes Denominations, à £. 40 —	652,640
16,427		£. 678,463

Ajoutons à ce Calcul le Nombre des Opoſans à la Chambre, et leurs Revenus, il en reſultera que 20,427 Pères de Familles, valant £. 844,514 de Revenus, n'ont point demandé et ſont opoſans à une Chambre de repreſentans, et qu'on ne peut leur opoſer que 2,373 Perſonnes, qui ne valent que £. 107,555, Souſcripteurs pour la dite Chambre, nous ne comprenons point les Communautés et les Seminaires de Québec et de Montreal, dont les Soins et la plus grande Partie des Revenus ſont emploiés à l'Education d'un Nombre d'Enfans, et au Soutien et Soulagement des Malades et des pauvres Familles, qui ſans leurs Secours tomberaient les premiers dans l'Ignorance, et les derniers dans la plus affreuſe Indigence. Le Nombre de 4,000, que nous avons adopté, n'eſt peut être point exactement celui de tous les Opoſans à la Chambre, puiſque nous n'avons point devant les Yeux la Liſte des Souſcripteurs de la Contre Adreſſe de 1784. Nous croions cependant pouvoir aſſurer votre Excellence qu'ils ne ſont point au-deſſous de 3,500; et en y ajoutant les Signatures de l'Adreſſe du 13 Octobre dernier, on jugera ſi nous avons hazard en calculant ſur 4,000 Opoſans avec d'autant plus de Raiſon que le Signatures de Quebec ſur la derniere Adreſſe ne paraiſſent point dans celle de 1784; c'eſt ainſi, Milord, que pour anéantir les Aſſertions des Partiſans de la Réforme nous avons emploié leurs propres Calculs, dont nous ſommes bein eloignés d'aprouver la Juſteſſe, et dont l'Exagération eſt evidente par l'Etât actuel de cette Province.

Il ne nous reſte plus qu'à developer à votre Excellence les Sentimens de nos Cœurs, qui ſont ceux de tous les Canadiens atachés a la Patrie et au Gouvernement Britannique des Sujets, qui ſe ſont montrés fideles dans des Circonſtances non equivoques, ne craindant point de dire la Verité dans ce Moment critique, qui peut être decidera le Sort de cette Province, une Aſſemblé Provinciale en Canada ne convient point, par les Conſequences dangereuſes qui en reſulteront.

Nous dirons, Milord, avec Confiance à votre Excellence, que l'Abrogation de pluſieurs de nos Loix, et l'Alteration quant aux Formes qui ſouvent, et trop ſouvent, en ont detruit le Fond trop precipitament faites depuis le Bill de Quebec, nous ont allarmé, que c'eſt un des Motifs qui ont engagé les Canadiens à repreſenter aux Pieds du Trône, dans l'Intention ſeulement de remedier à ces Inconveniens. Voulant eviter de tomber dans le plus grand Malheur, nous oſons nous repoſer ſur la Bienfaiſance de votre Excellence, qui nous à ſi long Temps protegé, et eſpérer que vous voudrés

voudrés bien vous intereſſer auprès de Sa Très Excellente Majeſté et Son Auguſte Parlement, pour obtenir la Permiſſion de retablir toutes Abrogations precipitées de nos Loix, et arrêter toutes Alterations ulterieurs et futures. Nous eſperons que le Conſeil Legiſlatif, ſe renfermera à l'avenir dans des Limites ſtrictes, ne publiera en conſequence du Onzieme Paragrafe de l'Acte de Quebec, que des Ordonances pour la Police, le Bonheur, et le bon Gouvernement de cette Province, et nefera des Changemens quant aux anciennes Loix, Coûtumes, & Uſages, qui pourraient être neceſſaires ſuivant les Circonſtances qu'avec les plus grands Menagemens, et les Conſiderations les plus refléchies.

En demandant une Diſtinction dans la Diſpenſation des Emplois, nous n'avons point ſeulement entendée parler en Faveur des Opoſans à la Chambre d'Aſſemblée, mais en Faveur de tous les Sujets Canadiens en général, qui étant le plus grand Nombre, doivent y être admis proportionellement avec les anciens Sujets, particulièrement dans la Tribunaux de Juſtice, & la Chambre du Conſeil, où leurs Interêts ſon journellement diſcutés.

Vos Suplians ne feroient aucune Attention au Paragrafe repeté dans le Trois Adreſſes des demandas d'une Chambre d'Aſſemblée multiplié à Deſſein de la Remarque qu'ils y font ſur les Signatures des Conſeillers et Juges, ſi par leur Reflection retenue ils ne paroiſſent point deſſa perſuadés qu'ils ſe ſaiſiront, en vertu du Pouvoir d'une Chambre d'Aſſemblée, de la precieuſe Prerogative de la Couronne, de nommer et conſtituer ſon conſeil, et ſes Juges. Ce n'eſt point, Milord, la Crainte, ni l'Idée d'être deſtitués, qui les ont engagés à ſigner l'Adreſſe du 13 Octobre dernier. Plus ils ſont liés à la Province par leur Etât, plus ils ont crû être de leur Devoir de s'opoſer à des Projets contraires au Bonheur du Païs. Si ces Signatures les ont ſi fort affectés pourquoi cherchent ils a donner à penſer, par leur Tableau comparatif, que les Trois Conſeillers Canadiens qui n'ont point ſigné contre la Chambre d'Aſſemblée ſont Corps avec eux? Nous oſons aſſurer votre Excellence que malgré le Refus que quelques Conſiderations particulieres leur a faite faire, ces Trois Meſſieurs n'y ſont pas moins apoſés.

Nous nous recomandons, Milord, à la Juſtice, à l'Equité, et à la profonde Sageſſe de votre Excellence et nous vous prions humblement à ce qu'il vous plaiſe faire telle Raport à Sa Majeſté qui puiſſe lui faire voir l'Importance de nos Obſervations pour le Bonheur et la Tranquilité de la Province. Et vos Supplians, reconaiſſans des Bienfaits que vous avez repandu ſur le Peuple Canadien, ne ceſſerent qu'avec la Vie de prier pour la Conſervation de votre Excellence, et de votre reſpectable Famille.

Quebec,
31ſt Decembre 1788.

N° 29.

TRANSLATION of Memorial of new Subjects, 31ſt December 1788.

To his Excellency the Right Honourable Guy Lord Dorcheſter, Captain General and Commander in Chief of the Colonies of Quebec, Nova Scotia, New Brunſwick, and its Dependencies, Vice Admiral thereof, General and Commander in Chief of His Majeſty's Troops in the ſaid Provinces, and in the Iſland of Newfoundland, &c. &c. &c.

May it pleaſe your Excellency,

WE the new Subjects, Citizens of the City and Diſtrict of Quebec, who ſigned the moſt humble Petition to His Moſt Excellent Majeſty the 13th of October of this Year, in Reply to that of ſome of His Majeſty's old and new Subjects, demanding an Aſſembly of Repreſentatives in this Province, and the Repeal of the Quebec Act, ſhould think we were wanting to ourſelves, to thoſe who have joined us in this Petition, and to the Intentions of the Majority of the Canadians, were we not to make ſome Obſervations upon thoſe Petitions preſented to your Excellency on the Firſt, Fourth, and Fifth of this Month, and publiſhed in the Quebec Gazette. More humble than thoſe who drew up thoſe Three Petitions, who pretend to be a Committee, contrary to Law, we ſhall not dare, my Lord, to aſſume a Title to which we have no Right. The Seaſon, the Diſtance of the Pariſhes, and the ſhort Time we have had to collect the Suffrages previous to the Departure of the Mail, have not permitted us to avail ourſelves of this Mode; it will therefore be ſimply as Individuals and Members of the Canadian Nation that we ſhall take the Liberty of moſt humbly offering our preſent Obſervations to your Excellency; and we flatter ourſelves that we ſhall ſucceed better in making your Excellency acquainted with the Intentions of the Majority of the natural Inhabitants of this Country, than thoſe who very illegally ſtile themſelves its Repreſentatives.

The unfounded Aſſertions and erroneous Calculations contained in thoſe Petitions might meet with Support at a Diſtance from the Place where they were originally invented, were we to neglect pointing out the Means of removing thoſe Impreſſions, which otherwiſe, without Doubt, they might leave on the Minds of thoſe who are but imperfectly acquainted with the Country and its Inhabitants.

The numerous Inhabitants of this Province, happy under a mild Government, and conſiſting, for the greater Part, of peaceable Cultivators, alike Strangers to the Spirit of Party and to Intrigue, without any direct Taxes upon their Eſtates, doubt whether they can enjoy a more fortunate State. If ſome have inclined to Innovations, it was becauſe they believed thoſe

Innovations

Innovations to be the only Remedy for their Complaints, and the only Means of preſerving their Laws, their Religion, nay, even the Happineſs of the Province, which ſeemed to be endangered. From this Explanation your Excellency, who has a thorough Knowledge of the Inhabitants of this Country, will ſee that the Deſign of innovating in our preſent Syſtem of Legiſlation comes but from a very ſmall Number, who diſlike our Laws, and wiſh to introduce ſuch as we are Strangers to. And this ſmall Number has gained over thoſe whoſe Names appear in the Liſts which have been preſented to your Excellency, who are abſolutely ignorant of the real Motives and dangerous Conſequences of ſuch Innovations.

It is our Religion, our Laws relative to our Property, and our Perſonal Surety, in which we are moſt intereſted; and theſe we enjoy in the moſt ample Manner by the Quebec Bill. We are the more averſe to an Houſe of Aſſembly, from the fatal Conſequences which will reſult from it. Can we, as Roman Catholics, hope to preſerve, for any Length of Time, the ſame Prerogatives as Proteſtant Subjects in an Houſe of Repreſentatives? And will there not come a Time when the Influence of the latter will overbalance that of our Poſterity? In this Caſe, ſhould we and our Poſterity enjoy the ſame Advantages which our preſent Conſtitution ſecures to us? Again, have we not Reaſon to dread leſt we ſhould ſoon ſee thoſe Taxes levied upon the Eſtates, which are at preſent actually levied upon Articles of Commerce, which the Inhabitant pays, indirectly it is true, but in Proportion to what he conſumes? Shall we not fear that we may one Day ſee the Seeds of Diſſenſion created by the Aſſembly of Repreſentatives, and nouriſhed by thoſe inteſtine Hatreds which the oppoſite Intereſts of the old and new Subjects will naturally give Birth to? We will now turn the Weapons of theſe zealous Partizans of an Aſſembly of Repreſentatives againſt themſelves, and make uſe of their own Calculations, in order to demonſtrate the Errors of thoſe Aſſertions with which they ſupport their Addreſſes.

It is to be obſerved, that the Petition of the old Subjects, in preſenting the exaggerated Liſt of the Revenues of the Thirty-ſix *Seigneurs*, ancient Subjects, amounting to £. 10,346, ſeems to inſinuate that theſe Thirty-ſix *Seigneurs* have given their Sanction to the Addreſs of 1784 for an Houſe of Aſſembly; whilſt, in reality, there are only Fourteen, the moſt conſpicuous of whom have not even ſigned, and to whoſe Sanction nevertheleſs they lay Claim for the Meaſures which they have adopted.

The Partizans of this Aſſembly of Repreſentatives feign alſo their Ignorance of an Addreſs being tranſmitted to the Foot of the Throne in the Year 1784, entirely averſe to an Houſe of Aſſembly, and that this Addreſs was ſigned by near Four thouſand Perſons; and that though in the Second Addreſs of the 13th of October the Signatures of theſe ſame Perſons do not appear, it is becauſe they were not thought neceſſary, and that on account of the Diſtance and of the Seaſon it was ſufficient to affix thoſe of the moſt reſpectable, and thoſe who were moſt conveniently ſituated; it is not therefore Queſtion of Seven hundred and Forty-four Signatures which appear averſe to an Houſe of Aſſembly, but of about Four thouſand which have poſitively ſigned their Oppoſition to it, and whoſe Signatures are in the Poſſeſſion

Poſſeſſion of His Majeſty's Miniſters, which form a ſtriking Difference with the Reſult of their Calculations.

Neither ſhall we claſs amongſt the Number of thoſe who are Partizans for an Houſe of Aſſembly thoſe old and new Subjects who have not petitioned for it; or if, according to their Calculation, we calculate Twenty thouſand Eight hundred Fathers of Families, Proprietors of Eſtates, Canadian Subjects; if in the ſame Proportion we ſuppoſe Two thouſand old Subjects; if upon this Total of Twenty-two thouſand Eight hundred we deduct the Two thouſand Three hundred and Seventy-three Petitioners for an Houſe of Aſſembly, there will remain at leaſt Twenty thouſand Four hundred and Eighty-ſeven Subjects, of whom Four thouſand and more have formally proteſted againſt any Project of Reform, after having been made acquainted with it; others have either been ignorant of it, or do not deſire any Change, becauſe they are content with the Form of Government, or have refuſed to ſign the Addreſs for an Houſe of Aſſembly when it was preſented to them, becauſe they diſapproved of its Deſign.

The Article of One million Two hundred and Forty-ſix thouſand and Twenty-three Pounds Six Shillings and Eight Pence Sterling, the Whole of the Commerce, almoſt all of which they aſſert to be in the Hands of thoſe who have petitioned for an Houſe of Aſſembly, will ſerve to ſhew how little theſe unfounded Aſſertions coſt thoſe who wiſh to preſent Objects in a different Point of View to that in which, in reality, they exiſt. Shall a ſmall Number of Individuals, Three Fourths of whom are only Labourers or Citizens, and whoſe Revenues do not certainly exceed the Forty Pounds which they gratuitouſly would give them, and of whom, amongſt others, there are but few Merchants whoſe Credit is eſtabliſhed upon ſolid Foundations—ſhall theſe form that immenſe and exaggerated Maſs, which, in allowing it an Exiſtence which it has not, can only be divided and ſubdivided into all the Merchants of the Province, the greater Part of whom have never petitioned for an Houſe of Aſſembly? The Part of the Merchants of Great Britain might be of more Importance if thoſe Gentlemen who do not inhabit the Province had any Right to a Change of the actual Syſtem of the Province. This Million and ſome Hundred Pounds Sterling will not form any Balance in favour of the Demand of an Houſe of Aſſembly, and can only turn againſt it, ſince it is certain that this Sum is diſperſed as well amongſt the Merchants of this Province, who have petitioned for an Houſe of Aſſembly, as amongſt the Merchants of London, and alſo amongſt thoſe who are averſe to an Houſe of Aſſembly, and again amongſt a great Number of thoſe who will neither hear mentioned, nor concern themſelves in any Manner with Political Affairs.

RECAPITULATION.

RECAPITULATION.

Petitioners for a Reform.

14	*Seigneurs*, ancient Subjects, worth, in Manorial Rents and other Revenues, — — —	£. 8,770
13	*Seigneurs*, new Subjects, worth — —	5,385
2,346	Old and new Subjects of all Ranks, at £. 40 —	93,840
2,373		£. 107,995
	Penſions and Salaries to be deducted —	440
	Remains —	107,555

At beſt, therefore, we can only ſay, that Two thouſand Three hundred and Seventy-three Perſons, whoſe Property amounts to One hundred and Seven thouſand Five hundred and Fifty-five Pounds, have ſigned a Petition for an Houſe of Aſſembly, and for other Objects contained therein, by their Addreſs of 1784: We muſt nevertheleſs remark that many of theſe *Seigneurs*, ancient Subjects, who are placed amongſt the Number of thoſe mentioned above, have not ſigned the Addreſs, and that it is without any Foundation that they aſſert that they are favorable to it; and that if we deduct their Revenues from that Liſt which regards the *Seigneurs*, ancient Subjects, it will be reduced to a very trifling Sum: That Two of the principal *Seigneurs*, new Subjects, and of conſiderable Revenue, who were Members of, and at the Head of the Committee of 1784, in Favor of the Petition, appear, ſince that Period, to have withdrawn themſelves from it, without any Cauſe of *Death* or *Vacancy*. We muſt alſo obſerve that of the Two thouſand Three hundred and Forty-ſix Subjects of all Denominations, whoſe Revenues are valued at £. 40, an Eighth of this Total has not in reality any Revenue at all, and that the other Seven Eighths are far from poſſeſſing the £. 40 which they have ſo generouſly given them.

Againſt a Reform.

51	*Seigneurs*, worth, in Manorial Rents and other Revenues	10,836
3,949	Subjects of all Denominations, poſſeſſing £. 40, who ſigned the Counter Petition of 1784, as alſo that of	
4,000	the 13th October laſt — — —	157,960
		168,796
	Penſions and Salaries to be deducted —	2,745
	Remains — —	£. 166,051

It reſults that Four thouſand Perſons, whoſe Property amounts to £. 166,051, have formally proteſted againſt an Houſe of Aſſembly, and that they exceed in Number the Petitioners for the ſaid Houſe of Aſſembly, as *Seigneurs*, by Twenty-four Individuals, and as Subjects of all Denominations by 1,603 Individuals, and that their Revenues ſurpaſs thoſe of the Reformers by £. 58,496, obſerving that the 51 proteſting Seigneurs are only thoſe who ſigned the Addreſs of the 13th of October laſt; and that many others who did not ſign that Addreſs ſigned the former One of 1784 as averſe to an Houſe of Aſſembly. Your Petitioners take the Liberty alſo to repreſent to your Excellency an Account of the Number and of the Revenues of thoſe who have not ſent any Complaints to the Foot of the Throne, nor ſubſcribed any Petition in Favor of a new Syſtem, which all the Canadians who are attached to the true Intereſts of the Province juſtly dread, from the unhappy Conſequences which will reſult from it.

A Liſt of thoſe who have not heard of the Project for an Houſe of Aſſembly, or who would not ſign the Petition for the ſaid Houſe.

		£.
36	*Seigneurs*, ancient Subjects, poſſeſſing, after deducting their Salaries and Penſions — — —	13,754
75	*Seigneurs*, new Subjects, poſſeſſing, after deducting their Salaries and Penſions — — —	12,069
16,316	Subjects of all Denominations, at £. 40 — —	652,640
16,427		£. 678,463

If we add to this Calculation the Number of thoſe who are averſe to an Houſe of Aſſembly, there will reſult from it that 20,427 Fathers of Families, whoſe Property amounts to £. 844,514, have not petitioned for and are averſe to an Aſſembly of Repreſentatives; and that oppoſed to them there are only 2,373 Perſons, who do not poſſeſs more than £. 107,555, who have petitioned for the ſaid Aſſembly. We do not include the Communities and the Seminaries of Quebec and Montreal, whoſe Cares and the greater Part of whoſe Revenues are employed in the Education of a Number of Children, and towards the Support and Comfort of the Sick, and of poor Families, who without their Aſſiſtance would ſink, the one into Ignorance, and the other into the moſt frightful Poverty. The Liſt of 4,000 Perſons which we have choſen is not perhaps the exact Number of thoſe who are averſe to an Houſe of Aſſembly, ſince we have not before us the Liſt of the Subſcribers to the Counter Addreſs of 1784. We think, nevertheleſs, that we can aſſure your Excellency, that they are not under 3,500. And that after adding the Signatures of thoſe who ſigned the Addreſs of the 13th of laſt October, we have not exaggerated in eſtimating the Number of thoſe who are averſe to the Meaſure at 4,000 Perſons; and with the more Reaſon too, ſince the Signatures of Quebec, affixed to the laſt Addreſs, do not appear upon that of 1784: It is thus, my Lord, that in order to invalidate the Aſſertions of thoſe who wiſh for a Reform, we have made uſe

of

of their own Calculations, from which we widely differ, and whoſe Exaggeration is evident from the actual Situation of this Province. It only remains for us to diſcloſe to your Excellency the Sentiments of our Hearts, which are thoſe alſo of all thoſe Canadians who are attached to their Country and to His Majeſty's Government. Subjects who have preſerved their Fidelity amidſt the moſt trying Circumſtances will not fear to ſpeak the Truth on this critical Occaſion, which will perhaps decide the Fate of this Province; a Provincial Aſſembly in Canada is not adapted to it, from the dangerous Conſequences which would reſult from it.

We will ſpeak to you, my Lord, with Confidence, and ſay, that the Repeal of many of our Laws, and the Alteration, as well with reſpect to the Forms, which too often deſtroys the Intention, too precipitately made ſince the Quebec Bill, have alarmed us: That it is one of the Motives which has induced the Canadians to repreſent at the Foot of the Throne, with the View only of having theſe Inconveniencies remedied. Deſirous to avoid being expoſed to the greateſt Misfortune, we dare rely upon the Goodneſs of your Excellency, which has ſo long protected us, and hope that you will intereſt yourſelf with our Moſt Gracious Sovereign and His Auguſt Parliament, in order to obtain Permiſſion to re-eſtabliſh all precipitate Repeals of our Laws, and to ſuſpend all further Alterations. We hope that the Legiſlative Council will confine itſelf for the future within ſtrict Limits, and in Conſequence will only publiſh ſo much of the Eleventh Article of the Quebec Bill as relates to the Police. The Happineſs and the good Government of this Province conſiſts in making only thoſe Changes in the ancient Laws, Cuſtoms, and Uſages, which may be neceſſary, according to Circumſtances, and which requires at the ſame Time the greateſt Care and the deepeſt Reflection.

In requiring a Diſtinction in the Diſtribution of Employs, we have not ſolely confined ourſelves to thoſe who are averſe to an Houſe of Aſſembly, but in Favour alſo of all Canadian Subjects in general, who, compoſing the greater Number, ought to be admitted in Proportion to the old Subjects, particularly in the Tribunals of Juſtice, and the Council Chamber, where their Intereſts are every Day diſcuſſed.

Your Petitioners would not pay any Attention to a Paragraph repeated in the Three Addreſſes of thoſe who have petitioned for an Houſe of Aſſembly, deſignedly multiplied, of a Remark which they there make upon the Signatures of the Counſellors and Judges, if by their continual Repetition of it they did not ſeem already perſuaded that in Right of this Power of an Houſe of Aſſembly they ſhall inveſt themſelves with the ſacred Prerogative of the Crown, to name and conſtitute its Council and its Judges. It is neither, my Lord, the Fear nor the Idea of being abandoned which has induced them to ſign the Petition of the 13th of October laſt. The more they are attached to the Province by their Situation, the more they have thought it their Duty to oppoſe Projects ſo contrary to the Happineſs of the Country. If they are not alarmed at theſe Signatures, why do they endeavour to inſinuate, by their comparative Deſcription, that the Three Canadian Counſellors who did not ſign the Proteſt againſt the Houſe of Aſſembly were of their Party? We dare aſſure your Excellency, that notwithſtanding ſome particular Conſiderations which withheld them from ſigning it, that they are equally inimical to it.

We

We ſubmit ourſelves, my Lord, to the Juſtice, the Equity, and the profound Wiſdom of your Excellency; and we moſt humbly entreat, that you will be pleaſed to make ſuch a Relation to His Majeſty as may point out to Him the Importance of our Obſervations to the Happineſs and the Tranquillity of the Province: And your Petitioners, grateful for the Bleſſings which you have conferred upon the Canadian Nation, will not ceaſe, but with their Lives, to pray for the Preſervation of your Excellency, and your reſpectable Family.

Quebec,
31ſt December 1788.

N° 30.

COPY of the Memorial and Petition of the Subſcribers, Merchants, &c. of Quebec and Montreal, 29th October and 2d November, 1789.

A Son Excellence le Très Honorable Guy Lord Dorcheſter, Capitaine Général et Governeur en Chef des Colonies de Quebec, Nouvelle Ecoſſe, Nouveau Brunſwick, et leurs Dépendances, Vice Amiral d'icelles, Général et Commandant en Chef des Troupes de Sa Majeſté dans les dites Provinces, et dans l'Iſle de Terreneuve, &c. &c. &c.

Humble Petition des Citoyens de Quebec et de Montreal, aſſemblés en Comittés, tant pour eux que pour leurs Conſtituants.

Repréſentent humblement,

QU'AYANT été informés par M^r^ Adam Lymburner, leur Agent à Londres, que des Obſtacles imprévues avoient retardé, juſqu'à la Seſſion prochaine de Parlement, la Diſcuſſion des Affaires de cette Province, ils croyent qu'il eſt de leur Devoir, pour l'Avancement des Interêts de leurs Conſtituants, de repréſenter a votre Seigneurie qu'ils perſeverent à deſirer ardemment la Réforme de la Conſtitution de cette Province, et avec d'autant plus de Raiſon, que les Griefs qui ont fait naître leurs Plaintes, comme l'Incertitude des Loix, les Deciſions contradictories des Cours de Juſtice, et la Confuſion des Formes dans les Procedures, deviennent de plus en plus manifeſtes, et prejudiciables aux Interêts des Sujets de Sa Majeſté.

En Conſéquence ils ſupplient votre Seigneurie de recevoir, et communiquer

niquer aux Miniſtres de Sa Majeſté, les Vœux qu'ils font pour la Réuſſité des Projets de Reforme démandés par leur Addreſſe du Mois de Novembre 1784, et actuellement ſoumis à l'Honorable Chambre de Communs, comme etant les Moyens les plus efficaces pour remedier à leurs Maux, et faire proſperer cette Colonie.

C'eſt avec des Cœurs pénétres de la plus vive Gratitude qu'ils ſaiſiſſent cette Occaſion pour ſupplier votre Seigneurie de faire parvenir au Pied du Trône l'Expreſſion de leur Reconnoiſſance, et celle de leurs Conſtituants, pour les Sécours généreux, en Grains et Farine, que la Bonté Paternelle et la Munificence Royale ont engagé Sa Majeſté à faire paſſer à Quebec, pour prevenir les Dangers et les Calamités d'une Diſette, dont cette Province étoit menacée.

Et vos Suppliants ne ceſſeront de prier.

Montreal, 29me Octobre, 1789.

Signé,
P^re Guy. Bouthillier.
Dumas. Jn. Deliſle.
S^t Martin. P^re Foretier.
J. P. Paperieau. H. Perrault.
M^es Blondeau.

Quebec, 2^d Novembre, 1789.

Signé,
L^t Germain, Fils. A. Pauet.
J. Baillairge.
L. Duniere. A. Arieux.
Perrault L'Ainé. S^t Germain.
Dufare.
Ch. Pinguet. L. Turgeon, Père.
L. Deſcheneaux, Fils.
Denechaud.

N° 31.

TRANSLATION.

MEMORIAL and PETITION of the Subſcribers, Merchants, &c. of Quebec and Montreal, 29th October and 2d November 1789.

To his Excellency the Right Honourable Guy Lord Dorcheſter, Captain General and Governor in Chief of the Colonies of Quebec, Nova Scotia, and New Brunſwick, and their Dependencies, Vice Admiral of the ſame, General and Commander in Chief of all His Majeſty's Forces in the ſaid Colonies, and the Iſland of Newfoundland, &c. &c. &c.

The Memorial and Petition of the Subſcribers, Merchants and other Citizens of Quebec and Montreal, in Behalf of themſelves and their Conſtituents;

Humbly Sheweth,

THAT your Memorialiſts have received Information from Adam Lymbourner, Eſquire, their Agent in London, that the Conſideration of

 the

the Affairs of this Province have from unforeſeen Obſtacles been poſtponed by the King's Miniſters till the next Seſſion of Parliament. Whilſt your Memorialiſts regret the Occaſions which have retarded the Diſcuſſion of their Petition for a Reform in the Conſtitution of this Province, they beg Leave to ſtate to your Lordſhip, that the Grievances which originally gave Riſe to their Petition and Complaints, do ſtill exiſt; and that the Inefficacy and Uncertainty of the Laws, the contradictory Deciſions of the Courts of Juſtice thereon, and the Confuſion which prevails in the Forms of judicial Proceedings, have become more and more manifeſt and deſtructive to the Intereſts of His Majeſty's Subjects.

Your Memorialiſts, firmly perſevering in the Proſecution of the Purpoſes for which they were originally elected by their Fellow Citizens, humbly intreat your Lordſhip to receive and communicate to the King's Miniſters their unalterable and ardent Wiſhes for a Reform in the Conſtitution of the Province, as fully expreſſed in their Petitions to His Majeſty and both Houſes of Parliament, dated in November 1784, now before the Honourable Houſe of Commons; which Petitions, in the humble Opinion of your Memorialiſts, point out the beſt and moſt effectual Means of remedying the Evils complained of, and of promoting, at the ſame Time, the Welfare of the Province, and the Intereſts of His Majeſty's Subjects.

With Hearts penetrated with the moſt lively Gratitude, your Memorialiſts ſupplicate your Lordſhip to tranſmit to the Foot of the Throne their moſt ſincere Thanks, and thoſe of their Conſtituents, for the liberal Supply of Grain and Flour which the King's paternal Goodneſs and Royal Bounty induced His Majeſty to ſend to the Relief of this Province, at a Time when it was threatened with all the Calamities of a Famine.

And your Petitioners, as in Duty bound, will ever pray, &c. &c.

	Montreal, 29th October 1789.	Quebec, 2d November 1789.
Signed,	JAMES M'GILL.	JOHN YOUNG.
	JAMES FINLAY.	JAMES JOHNSTON.
	RICHARD DOBIE.	J. BLACKWOOD.
	THOMAS M'CORD.	GEO. ALLSOPP.
	JOHN M'KINDLAY.	JOHN PAINTER.
	JAMES WALKER.	ROBERT LESTER.
	A. AULDJO.	MATHEW LYMBURNER, & Co.
		WM GOODALL.

N° 32.

N° 32.

COPY.

An ORDINANCE for regulating and eſtabliſhing the Courts of Judicature, Juſtices of the Peace, Quarter Seſſions, Bailiffs, and other Matters relative to the Diſtribution of Juſtice in this Province;

By his Excellency James Murray, Eſq. Captain General, &c. &c. &c. in Council, this 17th Day of September, in the Fourth Year of His Majeſty's Reign, Annoque Domini 1764.

WHEREAS it is highly expedient and neceſſary for the well governing of His Majeſty's good Subjects of the Province of Quebec, and for the ſpeedy and impartial Diſtribution of Juſtice among the ſame, that proper Courts of Judicature, with proper Powers and Authorities, and under proper Regulations, ſhould be eſtabliſhed and appointed:

His Excellency the Governor, by and with the Advice, Conſent, and Aſſiſtance of His Majeſty's Council, and by virtue of the Power and Authority to him given by His Majeſty's Letter Patent, under the Great Seal of Great Britain, hath thought fit to ordain and declare, and his ſaid Excellency, by and with the Advice, Conſent, and Aſſiſtance aforeſaid, doth hereby ordain and declare, that a Superior Court of Judicature, or Court of King's Bench, be eſtabliſhed in this Province, to ſit and hold Terms in the Town of Quebec Twice in every Year; viz. One to begin on the Twenty-firſt Day of January, called Hilary Term, the other on the 21ſt Day of June, called Trinity Term.

In this Court His Majeſty's Chief Juſtice preſides, with Power and Authority to hear and determine all Criminal and Civil Cauſes agreeable to the

As there are but Two hundred Proteſtant Subjects in the Province, the greateſt Part of which are diſbanded Soldiers of little Property and mean Capacity, it is thought unjuſt to exclude the new Roman Catholic Subjects to ſit upon Juries, as ſuch Excluſion would conſtitute the ſaid Two hundred Proteſtants perpetual Judges of the Lives and Property of not only Eighty thouſand of the new Subjects, but likewiſe of all the Military in the Province; beſides, if the Canadians are not to be admitted on Juries, many will emigrate: This Eſtabliſhment is therefore no more than a temporary Expedient to keep Things as they are until His Majeſty's Pleaſure is known on this critical and difficult Point.

We find, which was not at firſt apprehended, that the Court of Aſſize propoſed to be held at Montreal Twice every Year, will be attended with too much Expence to the Crown, and therefore that Eſtabliſhment ſhall be corrected.

The Court of Common Pleas is only for the Canadians; not to admit of ſuch a Court until they can be ſuppoſed to know ſomething of our Laws and Methods of procuring Juſtice in our Courts, would be like ſending a Ship to Sea without a Compaſs; indeed it would be more cruel—the Ship might eſcape, Chance might drive her into ſome hoſpitable Harbour, but the poor Canadians could never ſhun the Attempts of deſigning Men, and the Voracity of hungry Practitioners in the Law; they muſt be undone during the Firſt Months of their Ignorance; if any eſcaped, their Affections muſt be alienated and diſguſted with our Government and Laws.

It is neceſſary to obſerve that the few Britiſh Traders living here, of which not above Ten or Twelve have any fixed Property in the Province, are much diſſatisfied, becauſe we have admitted the Canadians on Juries; the Reaſon is evident, their own Conſequence is thereby bounded. But the Practitioners in the Engliſh Law have probably put them out of Humour with the Court of Common Pleas [which they are pleaſed to

the Laws of England, and to the Ordinances of this Province; and from this Court an Appeal lies to the Governor and Council where the Matter in Conteſt is above the Value of £. 300 Sterling; and from the Governor and Council an Appeal lies to the King and Council, where the Matter in Conteſt is of the Value of £. 500 Sterling, or upwards.

In all Trials in this Court all His Majeſty's Subjects in this Colony to be admitted on Juries, without any Diſtinction.

And His Majeſty's Chief Juſtice Once in every Year to hold a Court of Aſſize and General Gaol Delivery ſoon after Hilary Term, at the Towns of Montreal and Trois Rivieres, for the more eaſy and convenient Diſtribution of Juſtice to His Majeſty's Subjects in thoſe diſtant Parts of the Province.

And whereas an inferior Court of Judicature, or Court of Common Pleas, is alſo thought neceſſary and convenient; it is further ordained and declared, by the Authority aforeſaid, that an inferior Court of Judicature, or Court of Common Pleas is hereby eſtabliſhed, with Power and Authority to determine all Property above the Value of £. 10, with a Liberty of Appeal to either Party to the Superior Court, or Court of King's Bench, where the Matter in Conteſt is of the Value of £. 20 or upwards.

All Trials in this Court to be by Juries, if demanded by either Party, and this Court to ſit and hold Two Terms in every Year, at the Town of Quebec, at the ſame Time with the Superior Court, or Court of King's Bench. Where the Matter in Conteſt in this Court is above the Value of £. 300 Sterling, either Party may (if they ſhall think proper) appeal

to call unconſtitutional: We thought it reaſonable and neceſſary to allow Canadian Advocates and Proctors to practiſe in this Court of Common Pleas] only (for they are not admitted in the other Courts) becauſe we have not yet got One Engliſh Barriſter or Attorney who underſtands the French Language.

peal to the Governor and Council immediately, and from the Governor and Council an Appeal lies to the King and Council, where the Matter in Conteſt is of the Value of £. 500 Sterling, or upwards.

The Judges in this Court are to determine agreeable to Equity, having Regard nevertheleſs to the Laws of England, as far as the Circumſtances and preſent Situation of Things will admit, until ſuch Time as proper Ordinances for the Information of the People can be eſtabliſhed by the Governor and Council, agreeable to the Laws of England.

The French Laws and Cuſtoms to be allowed and admitted in all Cauſes in this Court, between the Natives of this Province, where the Cauſe of Action aroſe before the Firſt Day of October 1764.

The Firſt Proceſs of this Court to be an Attachment againſt the Body.

An Execution to go againſt the Body, Lands, or Goods of the Defendant.

Canadian Advocates, Proctors, &c. may practiſe in this Court.

And whereas it is thought highly neceſſary for the Eaſe, Convenience, and Happineſs of all His Majeſty's loving Subjects, that Juſtices of the Peace ſhould be appointed for the reſpective Diſtricts of this Province, with Power of determining Property of ſmall Value in a ſummary Way; it is therefore further ordained and declared by the Authority aforeſaid, and full Power is hereby given and granted to any One of His Majeſty's Juſtices of the Peace within their reſpective Diſtricts, to hear and finally determine in all Cauſes or Matters of Property, not exceeding the Sum of Five Pounds Current Money of

Quebec; and to any Two Juſtices of the Peace within their reſpective Diſtricts, to hear and finally determine in all Cauſes or Matters of Property not exceeding the Sum of Ten Pounds ſaid Currency; which Deciſions, being within and not exceeding the aforeſaid Limitations, ſhall not be liable to an Appeal: And alſo full Power is by the Authority aforeſaid given and granted to any Three of ſaid Juſtices of the Peace to be a Quorum, with Power of holding Quarter Seſſions in their reſpective Diſtricts every Three Months, and alſo to hear and determine all Cauſes and Matters of Property which ſhall be above the Sum of Ten Pounds, and not exceeding £. 30 Current Money of Quebec; with Liberty of Appeal to either Party, to the Superior Court or Court of King's Bench: And it is hereby ordered, that the aforeſaid Juſtices of the Peace do iſſue their Warrants, directed to the Captains and other Officers of the Militia in this Province, to be by them executed until the Provoſt Martial legally authorized by His Majeſty ſhall arrive, and other inferior Officers be appointed for that Purpoſe; all Officers Civil and Military, or other His Majeſty's loving Subjects, are hereby commanded and required to be aiding and aſſiſting to the ſaid Juſtices and Officers of Militia in the due Execution of their Duty: And it is further ordered and directed by the Authority aforeſaid, that Two of the ſaid Juſtices of the Peace do ſit Weekly in Rotation for the better Regulation of the Police, and other Matters and Things, in the Towns of Quebec and Montreal, and that the Names of the Juſtices who are to ſit in each Week be poſted up on the Door of the Seſſion Houſe by the Clerk of the Peace, Two Days before their reſpective

ſpective Days of ſitting, that all Perſons may know to whom to apply for Redreſs.

And whereas there are not at preſent a ſufficient Number of Proteſtant Subjects reſident in the intended Diſtrict of Trois Rivieres, qualified to be Juſtices of the Peace, and to hold Quarter Seſſions, it is therefore further ordained and declared by the Authority aforeſaid, that from henceforth this Province ſhall be divided into Two Diſtricts, to be known and called by the Names of Quebec and Montreal, for the Time being, and until there may be a competent Number of Perſons ſettled at or near Trois Rivieres, duly qualified to execute the Office of Juſtices of the Peace, and the Power of holding ſuch Quarter Seſſions abovementioned, or until His Majeſty's Pleaſure be known in that Behalf; and that the ſaid Two Diſtricts be divided and bounded by the River Godfroy on the South, and by the River St. Maurice on the North Side.

And whereas it is thought very expedient and neceſſary, for the ſpeedy and due Execution of the Laws, and for the Eaſe and Safety of His Majeſty's Subjects, that a ſufficient Number of inferior Officers ſhould be appointed in every Pariſh throughout this Province; it is therefore ordered by the Authority aforeſaid, that the Majority of the Houſeholders in each and every Pariſh do, on the 24th Day of June in every Year, elect and return to the Deputy Secretary, within Fourteen Days after ſuch Election, Six good and ſufficient Men to ſerve as Bailiffs and Sub-Bailiffs in each Pariſh, out of which Number the King's Governor or Commander in Chief for the Time being, with the Conſent of the Council, is to nominate and appoint the Perſons who are to act as Bailiffs and Sub-Bailiffs

*We called them Bailiffs, becauſe the Word is better underſtood by the new Subjects than that of Conſtable.

Sub-Bailiffs in each Pariſh; and ſuch Nomination or Appointment is to be notified by the Deputy Secretary to the reſpective Pariſhes, and alſo publiſhed in the Quebec Gazette, ſome Time in the laſt Week in Auguſt in every Year; and the Bailiffs and Sub-Bailiffs ſo nominated as aforeſaid are to enter upon and begin to execute their reſpective Offices on the 29th Day of September in every Year.

No Perſon to be elected a Second Time to the ſame Office, except the whole Pariſh has ſerved round, or that thoſe who have not are laid aſide for ſome material Objection which muſt be ſupported by Proof: But that there may never be an entire Set of new Officers at One Time, but that thoſe who remain may be able to inſtruct thoſe who enter into Office, One of thoſe Perſons who have ſerved as Sub-Bailiffs in each Pariſh, to be elected and nominated Bailiffs of ſaid Pariſh the enſuing Year.

If a Bailiff dies in his Office, the Governor or Commander in Chief will nominate One of thoſe returned by ſaid Pariſh to ſerve as Sub-Bailiffs for the Remainder of the Year; and when a Sub-Bailiff happens to die in Office, the Bailiff ſhall aſſemble the Pariſh upon the next Public Feaſt Day enſuing his Deceaſe, who ſhall proceed to elect and return as aforeſaid another Sub-Bailiff.

The Election of Bailiffs and Sub-Bailiffs for this preſent Year to be on the 20th Day of October; their Names to be returned immediately after the Election; their Nomination will be notified and publiſhed by the Deputy Secretary as ſoon as may be, and they ſhall enter upon and begin to execute their reſpective Offices, on the Firſt Day of December, but

but all Elections, &c. after this Turn ſhall be on the Days and Times above mentioned and appointed for that Purpoſe.

The Bailiffs are to overſee the King's Highways and the Public Bridges, and ſee that the ſame are kept in good and ſufficient Repair, to arreſt and apprehend all Criminals, againſt whom they ſhall have Writs or Warrants, and to guard and conduct them through their reſpective Pariſhes, and convey them to ſuch Priſons or Places as the Writ or Warrant ſhall direct; they are alſo to examine all Bodies that are expoſed, and on whom any Marks of Violence appear, in Preſence of Five reputable Houſeholders of the ſame Pariſh, whom he is hereby impowered to ſummons to inſpect the ſame, and report in Writing the State and Circumſtances thereof to the next Magiſtrate, that a further Examination may be made therein if neceſſary; but this to be done only where the Coroner cannot by any Poſſibility attend, which in this extenſive Province may frequently happen.

Where any Diſputes happen concerning the breaking or repairing of Fences, upon Complaint made to the Bailiff, he ſhall ſummons the Defendant, who is to chuſe Three indifferent Perſons, and the Plaintiff Three more, and theſe Six, the Bailiff preſiding, to decide the Diſpute; from their Sentence either Party may apply to the Quarter Seſſions; the Perſon found in fault, to pay One Shilling and no more to the Perſon who ſhall draw up the Deciſion.

Theſe Bailiffs to be ſworn into their Office by the next Juſtice of the Peace as ſoon as may be after

their Nomination as aforeſaid, and the ſaid Oath to be returned to the next Quarter Seſſions by ſuch Juſtice.

Given by his Excellency James Murray, Eſquire, Captain General, &c. &c. &c. in Council at Quebec, the 17th September, Annoque Domini 1764, and in the 4th Year of the Reign of Our Sovereign Lord George the Third, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, &c. &c.

N° 33.

(COPY.)

An ORDINANCE to alter and amend an Ordinance of his Excellency the Governor, and His Majeſty's Council of this Province, paſſed the 17th Day of September 1764.

WHEREAS by an Ordinance of his Excellency the Governor, and His Majeſty's Council of this Province, made and paſſed the 17th Day of September 1764, intituled, "An Ordinance for regulating and eſtabliſhing the Courts of Judicature in this Province," His Majeſty has moſt graciouſly been pleaſed to ſignify His Royal Will and Pleaſure therein by an additional Inſtruction to His ſaid Excellency the Governor, "That the "Welfare and Happineſs of His loving Subjects in this Province, which "will ever be Objects of His Royal Care and Attention, do require that "the ſaid Ordinance ſhould be altered and amended in ſeveral Proviſions "of it, which tend to reſtrain His Canadian Subjects in thoſe Privileges "they are entitled to enjoy in common with His natural born Subjects;" and therefore it is His further Royal Will and Pleaſure, that it ſhall be declared, and by his Honour the Lieutenant Governor (the Preſident of His Majeſty's Council) by and with the Advice, Conſent, and Aſſiſtance of His Majeſty's Council of this Province, and by the Authority of the ſame, it is hereby ordained and declared, that all His Majeſty's Subjects in the ſaid Province of Quebec, without Diſtinction, are entitled to be impannelled, and to ſit and act as Jurors, in all Cauſes, Civil and Criminal, cognizable by any of the Courts or Judicatures within the ſaid Province.

And for the more equal and impartial Diſtribution of Juſtice, be it further ordained and declared by the Authority aforeſaid, that in all Civil Cauſes or Actions between Britiſh-born Subjects and Britiſh-born Subjects, the Juries in ſuch Cauſes or Actions are to be compoſed of Britiſh-born Subjects only; and that in all Cauſes or Actions between Canadians and Canadians, the Juries are to be compoſed of Canadians only; and that in all Cauſes

or

or Actions between British-born Subjects and Canadians, the Juries are to be composed of an equal Number of each, if it be required by either of the Parties in any of the above-mentioned Instances.

And be it further ordained and declared by the Authority aforesaid, that His Majesty's Canadian Subjects shall and are hereby permitted and allowed to practise as Barristers, Advocates, Attornies, and Proctors, in all or any of the Courts within the said Province, under such Regulations as shall be prescribed by the said Courts respectively for Persons in general under those Descriptions.

And be it further ordained and declared by the Authority aforesaid, that this Ordinance shall continue in force until His Majesty's Pleasure be further known herein; and that so much of the said Ordinance of the said 17th of September 1764 as is not hereby altered and changed, shall and is hereby declared to be temporary only.

Given by the Honourable Paulus Æmilius Irving, Esquire, President of His Majesty's Council, Commander in Chief of this Province, and Lieutenant Colonel of His Majesty's Army, at the Castle of St. Lewis, in the City of Quebec, this 1st Day of July, in the Sixth Year of His Majesty's Reign, and in the Year of Our Lord 1766.

(Signed) P. ÆMIS IRVING.

By Order of the Commander in
Chief of the Province.

(Counsd) JAS POTTS, D. C. C.

N° 34.

(COPY.)

An ORDINANCE, in Addition to an Ordinance of his Excellency the Governor and Council of this Province, of the 17th September 1764, intituled, "An Ordinance for regulating and establishing the Courts of Judicature in this Province."

WHEREAS it has been often complained of, that there being no more than Two Terms in the Year appointed for holding His Majesty's Supreme Court of Judicature, and Courts of Common Pleas, within this Province, is a Delay in obtaining Justice, and a great Prejudice to the public Credit; for Remedy whereof be it ordained and declared by his Honour the President and Commander in Chief of this Province, by and with the Advice, Consent, and Assistance of His Majesty's Council, and by

by Authority of the ſame it is hereby ordained and declared, that a new Term is by virtue of this Ordinance eſtabliſhed and added to the Two former Terms, called Hilary and Trinity Terms, which ſaid new Term ſhall be called Michaelmas Term, and ſhall commence and be held Yearly for the Diſpatch of Public Buſineſs, in the ſaid Supreme Courts, and Courts of Common Pleas reſpectively, on every Fifteenth Day of October, with the ſame Number of Return Days therein as is practiſed in the ſaid Two other Terms, called Hilary and Trinity Terms, with the ſame Liberty of appealing from the Judgments therein to be given, and all other Rights and Privileges, as is and are eſtabliſhed by an Ordinance of his Excellency the Governor and Council of this Province, of the 17th September 1764, intituled, "An Ordinance for regulating and eſtabliſhing "the Courts of Judicature in this Province," or by any other Ordinance in Addition to or in Amendment or Explanation thereof: And all Writs and Proceſs whatſoever, hereafter to be lawfully and regularly ſued out of any of the ſaid Courts, and made returnable the Firſt or any other Return Day of the ſaid Term called Michaelmas, by this Ordinance eſtabliſhed, are hereby declared to be good and valid.

Given by the Honourable Paulus Æmilius Irving, Eſquire, Preſident of His Majeſty's Council, Commander in Chief of this Province, and Lieutenant Colonel of His Majeſty's Army, at the Caſtle of St. Lewis, in the City of Quebec, this 26th Day of July, in the Sixth Year of His Majeſty's Reign, and in the Year of Our Lord 1766.

(Signed) P. ÆMI^{S} IRVING.

By Order of the Commander
in Chief of the Province.

(Counts') JA^{S} POTTS, D. C. C.

N^{o} 35.

(COPY.)

An ORDINANCE for ratifying and confirming the Decrees of the ſeveral Courts of Juſtice eſtabliſhed in the Diſtricts of Quebec, Montreal, and Trois Rivieres, prior to the Eſtabliſhment of Civil Government throughout this Province, upon the 10th Day of Auguſt 1764;

By his Excellency James Murray, Eſquire, Captain General, &c. &c. &c. In Council, this 20th Day of September, in the Fourth Year of His Majeſty's Reign, Annoque Domini 1764.

WHEREAS upon the Conqueſt of this Country His Majeſty's Commander in Chief of the Forces in America did order and direct Juſtice to be adminiſtered to the Inhabitants thereof by Courts eſtabliſhed for

for that Purpoſe in the ſeveral Governments into which this Province was at that Time divided, of which His Majeſty, through One of His Secretaries of State, was pleaſed to ſignify His Royal Approbation, and to command the ſame to ſubſiſt and continue until Civil Government could with Propriety be ſettled therein; and, in order to ſatisfy any Doubts which might ariſe with regard to the Deciſions of the ſaid Courts, and as far as may be to prevent all vexatious Law Suits which might at preſent or hereafter ariſe therefrom, his Excellency the Governor, by and with the Advice, Conſent, and Aſſiſtance of His Majeſty's Council, and by virtue of the Power and Authority to him given by His Majeſty's Letters Patent, under the Great Seal of Great Britain, hath thought fit to ordain and declare, and his ſaid Excellency, by and with the Advice, Conſent, and Aſſiſtance aforeſaid, doth hereby ordain and declare, that from the 8th Day of September, in the Year 1760, Date of the Capitulation of Montreal, until the 10th Day of Auguſt laſt, from which Time Civil Government took Place throughout this Province, all Orders, Judgments, or Decrees of the Military Council of Quebec, and of all other Courts of Juſtice in ſaid Government, or in thoſe of Montreal and Trois Rivieres, do ſtand approved, ratified, and confirmed, and ſhall have their full Force and Effect, except in ſuch Caſes where the Value in Diſpute exceeded the Sum of £. 300 Sterling, when either Party may appeal to His Majeſty's Governor and Council of the Province, provided ſuch Appeal be lodged with the Clerk or Deputy Clerk of His Majeſty's Council of Quebec, within Two Months after the Publication hereof, and ſufficient Security is given by the Appellant to pay all ſuch Coſts and Charges as ſhall be awarded thereon if the Decree is affirmed; and from the Governor and Council an Appeal lies to the King and Council, where the Value in Diſpute amounted to the Sum of £. 500 Sterling or upwards, the Appellant giving ſufficient Security as aforeſaid, if the Decree is affirmed.

And it is hereby further ordained and declared, that if before the Publication of the preſent Ordinance, and ſince the Eſtabliſhment of Civil Government throughout the Province, any Perſon has been arreſted, or Proceſs iſſued upon any Matter already tried before any of the Courts aforeſaid, in the ſeveral Governments of Quebec, Montreal, and Trois Rivieres, before the 10th Day of Auguſt laſt, the Perſon ſo arreſted, or againſt whom ſuch Proceſs has been iſſued, ſhall lay their Caſe in Writing, by Way of Petition, before his Excellency and the Council, together with an atteſted Copy or Copies of ſuch Decree or Decrees, that Examination being had of the ſame, if properly founded, the Action may be immediately diſmiſſed, the Parties nevertheleſs preſerving their Right of appealing as aforeſaid, where the Value of the Matter ſo tried ſhall appear to have exceeded the ſaid Sums of £. 300 Sterling and £. 500 Sterling.

And it is hereby further ordained and declared by the Authority aforeſaid, that the Judges, Juſtices of the Peace, and other Magiſtrates or Civil Officers of this Province, whom it doth or may concern, upon Application of the ſeveral Parties, ſhall put in Execution all ſuch Orders, Judgments, or Decrees of the ſaid Courts, the ſame being properly atteſted, as have not been already executed, ſaving to the ſeveral Parties concerned their Right of Appeal as aforeſaid, where the Matter in Diſpute exceeded

the above limited Sums of Three hundred Pounds Sterling, and Five hundred Pounds Sterling.

Given by his Excellency James Murray, Eſquire, Captain General, &c. &c. &c. In Council, at Quebec, the 20th Day of September, Anno Domini 1764, and in the Fourth Year of the Reign of Our Sovereign Lord George the Third, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, &c. &c.

N° 36.

(COPY.)

An ORDINANCE for amending and explaining an Ordinance of his Excellency the Governor and Council of this Province, made the 20th Day of September laſt, intituled, "An Ordinance for ratifying and confirming the Decrees "of the ſeveral Courts of Juſtice eſtabliſhed in the Diſtricts "of Quebec, Montreal, and Trois Rivieres, prior to the "Eſtabliſhment of Civil Government throughout this "Province, upon the 10th Day of Auguſt 1764;" and for enlarging the Time for lodging Appeals from the Decrees of ſuch Courts therein mentioned.

By his Excellency James Murray, Eſquire, Captain General and Governor in Chief of the Province of Quebec, &c. &c. &c. In Council, this 12th Day of November, in the Fifth Year of His Majeſty's Reign, An. Dom. 1764.

WHEREAS Doubts may ariſe about the Manner by which Appeals by the ſaid Ordinance directed to be brought before his Excellency the Governor and Council of this Province, or to the King in Council, may be proſecuted, according to the true Intent and Meaning of the ſaid Ordinance; and alſo as to what Sum, and to whom, the Security therein mentioned for proſecuting ſuch Appeals ought to be given: For explaining whereof,

His Excellency the Governor, by and with the Advice, Conſent, and Aſſiſtance of His Majeſty's Council of this Province, doth hereby ordain and declare, that if any Perſon or Perſons ſhall think himſelf or themſelves aggrieved by any Order, Judgment, or Decree of the Military Council of Quebec, or of any other Courts of Juſtice in the ſaid Government, or of

thoſe

thoſe of Montreal or Trois Rivieres, prior to the Eſtabliſhment of Civil Government throughout this Province in Auguſt laſt, where the Value in Diſpute exceeded the Sum of £. 300 Sterling, every ſuch Perſon or Perſons may, by Petition, appeal to his Excellency the Governor and Council, and to no other Court of Judicature of this Province whatſoever, provided that Security be firſt given by the Appellant to anſwer ſuch Charges as ſhall be awarded in caſe the firſt Sentence be affirmed; provided alſo, that ſuch Appeal be lodged with the Clerk or Deputy Clerk of the Council within the Space of Three Months from the publiſhing hereof: And provided always, that if the Matter in Diſpute amounted to the Sum of £. 500 Sterling, or upwards, every Appellant or Perſon petitioning as aforeſaid (in caſe ſuch Order, Judgment, or Decree of the ſaid Military Courts ſhall thereupon be affirmed) and within 14 Days thereafter, may in like Manner appeal to His Majeſty in Council, upon giving good and ſufficient Security effectually to proſecute the ſame, and anſwer the Condemnation, as alſo to pay ſuch Coſts and Damages as ſhall be awarded in caſe the Sentence of the Governor or Commander in Chief for the Time being, and Council, be affirmed.

Given by his Excellency James Murray, Eſquire, Captain General and Governor in Chief of the Province of Quebec, &c. &c. &c. In Council at Quebec, the 12th Day of November, Anno Dom. 1764, and in the Fifth Year of the Reign of Our Sovereign Lord George the Third, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, &c. &c.

N° 37.

(COPY.)

An ORDINANCE for the more effectual Adminiſtration of Juſtice, and for regulating the Courts of Law in this Province.

Preamble.

WHEREAS it has been found by Experience that the ſeveral Proviſions contained in an Ordinance, bearing Date the Seventeenth Day of September One thouſand Seven hundred and Sixty-four, and intituled, amongſt other Things, "An Ordinance for regulating and eſtabliſhing the "Courts of Judicature," by virtue of which certain Powers and Authorities are given to the Juſtices of the Peace for this Province, as well ſeparately as collectively, to hear and determine in Matters of private Property between Party and Party, inſtead of anſwering the good Purpoſes for which they were ordained, have become an intolerable Burthen to the Subject, and proved the Means of great Diſquiet, Vexation, and Oppreſſion: It is therefore ordained and declared, by His Excellency the Captain General, and Governor in Chief of this Province, by and with the Advice and Conſent

Authority of the Juſtices in Matters of private Property taken away;

Conſent of the Council of the ſame, That from and after the Day of the Date of the Publication of this Ordinance, all Juriſdiction, Power, and Authority, in Matters of private Property, belonging to or exerciſed by any Juſtice or Juſtices of the Peace for this Province, or any Diſtrict, Part, or Member of the ſame, except ſuch as already have procured, or hereafter may procure, a Special Commiſſion for that Purpoſe, under the Hand and Seal of the Governor, or Commander in Chief for the Time being, ſhall be clearly annulled, taken away, and determined; and that from and after the Day of the Date of the Publication aforeſaid no Juſtice or Juſtices of the Peace, except as before excepted, ſhall have any Power or Authority to hear, examine, or determine any Matter of private Property between Party and Party, or to make, pronounce, or deliver any Judgment, Sentence, Order, and Decree, or to do any judicial Act whatſoever touching the ſame.

except from ſuch as have or may have a ſpecial Commiſſion for that Purpoſe.

Clauſes in the Ordinance of September 1764, repealed;

And it is further Ordained and Declared by the Authority aforeſaid, That from and after the Day of the Date of the Publication aforeſaid the following Clauſes or Parts of an Ordinance, bearing Date the Seventeenth Day of September One thouſand Seven hundred and Sixty-four, and intituled, amongſt other Things, "An Ordinance for regu-"lating and eſtabliſhing the Courts of Judicature," ſhall be repealed, and the ſame are hereby repealed, and abſolutely revoked and made void; that is to ſay, "And whereas it is thought highly neceſſary for "the Eaſe, Convenience, and Happineſs of all His Majeſty's loving Sub-"jects, that Juſtices of the Peace ſhould be appointed for the reſpective "Diſtricts of this Province, with Power of determining Property of ſmall "Value in a ſummary Way; it is therefore further ordained and declared "by the Authority aforeſaid, and full Power is hereby given and granted "to any One of His Majeſty's Juſtices of the Peace, within their reſpective "Diſtricts, to hear and finally determine in all Cauſes or Matters of "Property, not exceeding the Sum of Five Pounds Current Money of "Quebec; and to any Two Juſtices of the Peace within their reſpective "Diſtricts, to hear and finally determine, in all Cauſes or Matters of Pro-"perty not exceeding the Sum of Ten Pounds ſaid Currency; which De-"ciſions being within, and not exceeding the aforeſaid Limitation, ſhall not "be liable to an Appeal: And alſo full Power is by the Authority afore-"ſaid given and granted to any Three of the ſaid Juſtices of the Peace to "be a Quorum, with Power of holding Quarter Seſſions in their re-"ſpective Diſtricts every Three Months, and alſo to hear and determine "all Cauſes and Matters of Property, which ſhall be above the Sum of "Ten Pounds, and not exceeding Thirty Pounds, Current Money of Que-"bec, with Liberty of Appeal to either Party to the ſuperior Court, or "Court of King's Bench;" and all and every other Ordinance or Ordinances, and all and every Article, Clauſe, or Sentence, in them and every of them, by which any Juriſdiction, Power, or Authority, to hear and determine in Matters of private Property between Party and Party, is given, limited, and appointed to any Juſtice or Juſtices of the Peace, for ſo much as concerneth the ſame, ſhall alſo be repealed, and the ſame are hereby repealed, and abſolutely revoked and made void.

and all others that give Authority to the Juſtices to determine Matters of private Property.

Penalty upon the Juſtices for Diſobedience.

And it is further Ordained and Declared by the Authority aforeſaid, That from and after the Day of the Date of the Publication aforeſaid, if

if any Juſtice or Juſtices of the Peace, or any other Perſon whatſoever, ſhall offend or do any Thing contrary to the Purport, true Intent, and Meaning of this Ordinance, he or they ſo offending, beſides being liable to anſwer the ſame in a criminal Way, ſhall alſo forfeit and loſe, unto the Party grieved by any Thing ſo done, his, her, or their treble Damages, which he, ſhe, or they ſhall ſuſtain and be put unto by Means or Occaſion of any Thing ſo done as aforeſaid; the ſame to be recovered in any of the Courts of Record in this Province, by Action of Debt, or in any other Way and Manner, according to the known and eſtabliſhed Practice of the Court in which ſuch Action ſhall be brought.

Proviſo not to extend to any of the Powers in the Commiſſion of the Peace;

Provided always, That nothing contained in this Ordinance ſhall extend, or be conſtrued to extend, to take away, determine, or abridge any of the Powers given and granted to any Juſtice or Juſtices of the Peace for this Province, by virtue of His Majeſty's Commiſſion of the Peace to them directed, or to reſtrain or hinder them in the Exerciſe of any other Powers, to them limited and appointed by any other Ordinance or Ordinances, ſave and except ſuch as relate to the Adminiſtration of Juſtice in Matters of private Property, between Party and Party only; but ſuch Juſtice or Juſtices of the Peace is and are hereby further authorized and required to do and execute all and every Matter or Thing to him or them enjoined by virtue of the ſaid Commiſſion of the Peace, and alſo to hear and determine all Penalties and Forfeitures ariſing from the Breach of any Ordinance or Ordinances, and to proceed therein in the ſame Manner as he or they would have done if this Ordinance had not been made.

nor to any Judgment already pronounced, and not executed;

nor to any Writ of Execution already iſſued, and not returned;

but the ſame to be perfected as if this Ordinance had not been made.

And provided alſo, That nothing herein contained ſhall extend, or be conſtrued to extend to reverſe, alter, or ſuſpend any Judgment or Judgments already pronounced or given by any Juſtice or Juſtices of the Peace, upon which no Execution has yet been awarded; or to ſuperſede, vacate, alter, or ſuſpend any Writ or Writs of Execution already awarded, and not yet returned; but the ſaid Juſtice or Juſtices of the Peace is and are hereby further authorized and required to award Execution upon ſuch Judgments already pronounced and given, and the Provoſt Marſhal is hereby authorized and required to enforce the ſame, and alſo to proceed upon ſuch Writs of Execution as are already awarded, and not yet returned, and to levy the Debt and Coſts, and make ſuch Return to the Juſtice or Juſtices awarding the ſame, as he would have done before the Publication of this Ordinance.

Preamble to the Clauſe for erecting a new Juriſdiction.

All Diſputes for Sums not exceeding £. 12, to be heard before the Judges of the Courts of Common Pleas only, except as after excepted.

And whereas the providing an eaſy, plain, and ſummary Method of proceeding for the Recovery of Small Debts, with a due Regard at the ſame Time to a certain Degree of Solemnity and Deliberation, which ought ever to accompany the Adminiſtration of Public Juſtice, very much contributes to promote Induſtry, and to ſupport and encourage uſeful Credit; It is therefore Ordained and Declared, by the Authority aforeſaid, That from and after the Day of the Date of the Publication aforeſaid, all Manner of Diſputes and Differences between Party and Party for any Sum not exceeding Twelve Pounds Currency of this Province, except as is hereinafter excepted, ſhall be heard, tried, and adjudged before the Judges of the Courts of Common Pleas for the Time being only, who are hereby authorized

thorized and required to take Cognizance thereof, and the ſame to hear, adjudge, and finally determine as to them ſhall ſeem juſt in Law and Equity; any Ordinance or Ordinances, or any Clauſe, Matter, or Thing, in them or any of them contained, to the contrary hereof in anywiſe notwithſtanding.

Preamble to the Clauſe for fixing the Court of Common Pleas at Montreal.

And whereas ſome Inconveniences have ariſen from the preſent Practice of adjourning the Court of Common Pleas from Quebec to Montreal, and from the Want of a fixed, ſettled, and eſtabliſhed Court for the hearing and determining all Matters ariſing within the Diſtrict of Montreal, before Judges ſpecially appointed for that Diſtrict, and conſtantly reſiding within the ſame; It is further Ordained and Declared, by the Authority aforeſaid,

Court of Common Pleas at Montreal conſtituted an independent Court, with original Juriſdiction,

That from and after the Day of the Date of the Publication of this Ordinance, the Court of Common Pleas, heretofore held by Adjournment at different Days and Times in the Town of Montreal, and conſidered and taken to be a Part or Member of the Court of Common Pleas eſtabliſhed at Quebec, ſhall be, and it is hereby conſtituted a Court of Record, with original Juriſdiction of its own, independent of, and no wiſe connected with the Court of Common Pleas eſtabliſhed at Quebec, which Court of Common Pleas for the Diſtrict of Montreal ſhall, for the future, be held before Judges conſtantly reſiding within the ſaid Town of Montreal, who ſhall have the ſame Power and Authority, and the ſame is hereby given and granted to them to hear and determine within the Diſtrict of Montreal, and to award Execution, and to do and execute all and every Matter or Thing, touching the Adminiſtration of Juſtice, in as full and ample a Manner as is now or has at any Time been uſed, practiſed, or done by the Court of Common Pleas eſtabliſhed at Quebec, in and for the Diſtrict of Quebec: And that from and after the Day of the Date of the Publication aforeſaid the ſaid Court of Common Pleas in the Town of Quebec, and the ſaid Court of Common Pleas in the Town of Montreal, ſhall be taken and adjudged to have each their ſeparate Juriſdictions, independent of and unconnected with each other, that is to ſay, the ſaid Court of Common Pleas at Quebec, in and over all Matters and Things ariſing within the Diſtrict of Quebec and the Court of Common Pleas at Montreal in and over all Matters and Things ariſing within the Diſtrict of Montreal.

in all Matters ariſing within the Diſtrict of Montreal,

in the ſame Manner as the Court of Common Pleas in Quebec, in all Matters ariſing within the Diſtrict of Quebec.

Proviſo, that both Courts ſhall have a concurrent Juriſdiction in awarding Writs of Execution.

Where the Defendant has no Lands or Goods within the Diſtrict where the Cauſe was tried,

Execution may be awarded into the other Diſtrict;

Provided always, and it is hereby further Ordained and Declared by the Authority aforeſaid, that from and after the Day of the Date of the Publication aforeſaid, where any Perſon or Perſons, againſt whom Judgment ſhall be obtained in either of the ſaid Courts of Common Pleas, ſhall not have any Lands, Goods, or Effects, wherewith to ſatisfy the ſaid Judgment, within the Juriſdiction of that Court wherein ſuch Judgment ſhall have been obtained, but ſuch Perſon or Perſons ſhall have Lands, Goods, or Effects, within the Juriſdiction of the other Court of Common Pleas, that then and in that Caſe it ſhall and may be lawful for the Judge or Judges of the Court of the Diſtrict in which ſuch Judgment ſhall have been obtained to award Execution to the Provoſt Marſhal of the Diſtrict in which ſuch Lands, Goods, or Effects ſhall be found, who ſhall, before he proceeds to do any Thing therein, carry the ſaid Writ of Execution to One of the Judges of the Court of the Diſtrict in which ſuch Lands, Goods, or Effects ſhall be found, who is hereby authorized and required to indorſe the ſame; which Writ of Execution, being ſo indorſed

as

as aforeſaid, the ſaid Provoſt Marſhal of the Diſtrict in which ſuch Lands, Goods, or Effects ſhall be found, ſhall proceed to levy the Debt and Coſts, and make Return thereof, under his Hand and Seal, to the Judge or Judges of the Court from whence ſuch Writ of Execution was originally awarded; and ſuch Writ of Execution, together with the Return thereof, under the Hand and Seal of the Provoſt Marſhal ſubſcribing the ſame, ſhall be by him conveyed, ſo ſoon after the making and ſigning thereof as conveniently may be, to the Provoſt Marſhal of the Diſtrict from whence ſuch Writ was originally awarded, who is hereby authorized and required to deliver the ſame into the Court of Common Pleas from whence ſuch Writ was originally awarded, on the Firſt Court Day next after the coming of the ſaid Writ and Return into his Hands; and the Judge or Judges of the ſaid Court of Common Pleas, by whom ſuch Writ of Execution was originally awarded, are hereby authorized and required to receive the ſame; and the ſame ſhall be as valid and effectual, to all Intents and Purpoſes, as if the Provoſt Marſhal making and ſubſcribing the ſame had himſelf been preſent, and delivered the ſame into the Court with his own Hands.

and the Return muſt be made by the Provoſt Marſhal to the Court from whence it was originally awarded;

but it need not be made in Perſon.

Provided nevertheleſs, That the Provoſt Marſhal executing the ſaid Writ, and making Return thereof as aforeſaid, only ſhall be anſwerable as well for the Truth of the ſaid Return, as for any Miſbehaviour, Omiſſion, or Neglect in the Manner of executing the ſaid Writ, or making Return thereof before the Judge or Judges of the Court from whence ſuch Writ of Execution was originally awarded, and not before the Judge or Judges of the Court of the Diſtrict to which he belongs: And in caſe any Perſon or Perſons againſt whom ſuch Judgment as aforeſaid ſhall be obtained, not having any Lands, Goods, or Effects within the Province, wherewith to ſatisfy the ſaid Judgment, ſhall uſually reſide without the Juriſdiction of the Court in which ſuch Judgment ſhall be obtained, or being, at the Time of obtaining the ſaid Judgment, reſident within the ſame, ſhall alter his or their Place of Reſidence, and withdraw his or their Perſon or Perſons from the Juriſdiction of the Court in which ſuch Judgment ſhall have been obtained, it ſhall and may be lawful for the Judge or Judges of the ſaid Court in which ſuch Judgment ſhall have been obtained, in all Caſes where ſuch Writ may legally iſſue, to award a Writ or Writs of Capias ad Satisfaciendum to the Provoſt Marſhal of the Diſtrict in which ſuch Perſon or Perſons ſhall reſide or be found, which Writ or Writs, being ſo indorſed as aforeſaid, the ſaid Provoſt Marſhal of the Diſtrict in which ſuch Perſon or Perſons ſhall reſide or be found ſhall proceed to execute the ſame, and to arreſt the Body or Bodies of ſuch Perſon or Perſons, and him or them to convey to the Common Gaol of the Diſtrict in which ſuch Perſon or Perſons ſhall be arreſted, there to remain till the Debt and Coſts are paid, or he or they be otherwiſe delivered by due Courſe of Law.

The Provoſt Marſhal executing the Writ, only anſwerable before the Court of the Diſtrict which awarded the ſame.

The ſame in Writs of Capias ad Satisfaciendum;

and the Defendant to be conveyed to the Gaol of the Diſtrict in which he is arreſted.

And, in order to avoid the Delays and Inconveniencies occaſioned by the preſent Practice of holding the ſaid Courts of Common Pleas at certain fixed Times and Periods, according to the Directions of the aforeſaid Ordinance of September One thouſand Seven hundred and Sixty-four, and to the Intent that the Judges of the ſaid Courts may be enabled to give

Preamble to the Clauſe for keeping the Courts open throughout the Year.

give more ſpeedy and effectual Relief in all Caſes, as well where the Matter or Thing in Demand ſhall exceed the Sum of Twelve Pounds, and where it falls ſhort of or is equal to it; it is further Ordained and Declared, by the Authority aforeſaid, That from and after the Day of the Date of the Publication of this Ordinance, the ſaid Courts of Common Pleas, as well at Quebec as at Montreal, ſhall be conſtantly open to the Suitor, and they are hereby required to be kept open at all Times throughout the Year, except on Sundays, and Three Weeks at Seed Time, a Month at Harveſt, and a Fortnight at Chriſtmas and Eaſter, and except during ſuch Vacation as ſhall be from Time to Time appointed by the Judges for making their reſpective Circuits throughout the Province, Twice in every Year; and the Judges of the ſaid Courts are hereby authorized and required to iſſue their Proceſs, and to do and execute all and every other Matter or Thing touching the Adminiſtration of Juſtice, without Regard to Terms or any ſtated Periods of Time, as limited and appointed by the Ordinance of September One thouſand Seven hundred and Sixty-four, or any other Ordinance, Cuſtom, or Uſage whatſoever, all and every of which Ordinance or Ordinances, ſo far as they relate to the Sitting of the ſaid Courts, or preſcribe any Limitations of Time for that Purpoſe, are hereby annulled, revoked, and made void, in as full and ample a Manner as if they were herein particularly enumerated and ſet forth.

Courts to ſit all the Year,

except Sunday, and other Times of Vacation,

without Regard to Terms, as appointed by the Ordinance of September 1764, or any other Ordinances; all which, as far as they relate to the Sitting of the ſaid Courts, are repealed.

Provided always, and it is further Ordained and Declared by the Authority aforeſaid, That the Judges of the ſaid Courts of Common Pleas, as well in Quebec as Montreal, ſhall appoint One Day in every Week (except Sunday, or in ſuch Vacations as aforeſaid) at their Diſcretion, for the hearing and determining all Matters wherein the Cauſe of Action ſhall exceed the Sum of Twelve Pounds, which Day ſhall be declared at the riſing of the Court on the Court Day next preceding; and no Adjournment of the Court ſhall be made for any longer Time than One Week, upon any Pretence or Ground whatſoever.

The Judges to ſit One Day in every Week at their Diſcretion, for Matters above £. 12;

Provided alſo, That Friday in every Week, except it be in ſuch Vacation as aforeſaid, ſhall be always a Court Day, as well in the Town of Quebec as Montreal, for the hearing and determining all Matters wherein the Cauſe of Action ſhall not exceed the Sum of Twelve Pounds as aforeſaid; on which Day One of the Judges of the ſaid Courts of Common Pleas ſhall attend, as well at Quebec as at Montreal, for the Diſpatch of Buſineſs, who is hereby authorized and required to proceed to hear and determine all Matters where the Cauſe of Action ſhall not exceed the Sum of Twelve Pounds, in the Abſence of the other Judge, ſuch Judge being prevented from attending by Sickneſs, or any other lawful and reaſonable Cauſe of Excuſe; and every Judgment, Sentence, Order, or Decree, given, made, or pronounced, and every Writ of Execution, awarded by ſuch Judge, in Matters where the Cauſe of Action ſhall not exceed the Sum of Twelve Pounds as aforeſaid, ſhall be in all Reſpects as binding and valid as if both the Judges of the ſaid Court had been preſent, and concurred in giving, making, or pronouncing ſuch Judgment, or in awarding ſuch Writ of Execution.

and on every Friday, except in Vacation, for Matters not exceeding £. 12.

One Judge ſufficient in Matters not exceeding £. 12, the other having a reaſonable Cauſe of Abſence.

And, to the Intent that this Part of the Juriſdiction of the ſaid Courts of Common Pleas, which attaches upon Matters where the Value of the Thing

Thing in Demand does not exceed the Sum of Twelve Pounds, and the Manner and Form of proceeding therein may be clearly comprehended, ſo as to enable the Party, either by himſelf or his Agent, to proſecute his own Means of Redreſs with Diſpatch, Certainty, and Moderation in Point of Expence; It is further Ordained and Declared, by the Authority aforeſaid, That from and after the Day of the Date of the Publication aforeſaid, in all Matters where the Cauſe of Action ſhall not exceed the Sum of Twelve Pounds Currency, no Proceſs whatſoever ſhall iſſue againſt any Defendant or Defendants, until the Plaintiff or Plaintiffs, or his, her, or their Agent or Agents, ſhall have firſt produced and left with, or, being unable to write or read, ſhall have firſt procured, from the Clerk of the Court in which ſuch Action is intended to be brought, who is hereby ordered and required to make out the ſame, a Declaration either in the Engliſh or French Language, according to the following Form:

No Proceſs to iſſue againſt any Defendant till the Plaintiff has filed his Declaration.

Quebec, / Montreal, } Day of 177 Form of Declaration.

A. B. Plaintiff.
C. D. Defendant.

The Plaintiff demands of the Defendant the Sum of due to the Plaintiff from the Defendant, for which ſaid Sum, though often demanded, ſtill remains due; therefore the Plaintiff demands Judgment.

Which Declaration, being ſo produced to and left with, or ſo as aforeſaid made out by the Clerk of the Court in which ſuch Action is intended to be brought, ſhall be filed by the ſaid Clerk with the other Records of the Court, and the ſaid Clerk ſhall immediately make out an atteſted Copy thereof, and upon the Back of ſuch Copy indorſe a Summons, to which he ſhall procure the Name of One of the Judges of the ſaid Court to be ſet, commanding the Defendant either to pay the Debt and Coſts to the Plaintiff, or elſe to appear upon ſome ſubſequent Court Day, according to the Diſcretion of the Judge who ſigns the ſame, Regard being had to the Diſtance of the Defendant's Place of Reſidence, and the Means of Communication therewith, which Summons ſhall be in the following Form:

Manner of taking out the Summons,

and atteſting the ſame.

To C. D. the Defendant in this Action.

You are hereby commanded and required to pay to the Plaintiff the within named Sum of together with Coſts, or elſe to be and appear, either in Perſon or by your Agent, before me, at the Court Houſe of the Town of Quebec, / Montreal, together with your Witneſſes, if any you have, on Day of on which Day the Matter of Complaint againſt you, as contained in the within Declaration, will be heard and finally determined, otherwiſe Judgment will be given againſt you, by Default in this Action.

E. F. Judge of the Court of Common Pleas.

Form of the Summons.

And this atteſted Copy of the Declaration, together with the Writ of Summons, indorſed and ſigned as aforeſaid (for all which the Clerk of the

Fees for the ſame.

ſaid Court ſhall receive from the Plaintiff the Sum of Six Pence, and no more where the original Declaration ſhall be produced and delivered to him, and the Sum of One Shilling, and no more, where he ſhall make out the original Declaration himſelf, at the Requeſt of the Party) ſhall be delivered to the Plaintiff or Plaintiffs, or his, her, or their Agent or Agents, who ſhall convey, or cauſe the ſame to be conveyed, to One of the Bailiffs of the Pariſh in which ſuch Defendant reſides, who is hereby authorized and required to ſerve the ſame upon the Defendant perſonally, if he can be found, or otherwiſe upon his Wife, Son, Daughter, Servant, or ſome other grown Perſon, at his the ſaid Defendant's Dwelling Houſe, or uſual Place of Abode, and at the ſame Time to ſhew him, her, or them, the atteſted Copy of the Declaration, together with the Writ of Summons annexed, under the Hand of the Judge iſſuing the ſame, and to acquaint him, her, or them, with the Contents thereof, and to leave a Copy of the ſame at the ſaid Houſe; and the Bailiff ſerving ſuch Proceſs as aforeſaid, is hereby further authorized and required to atteſt the ſaid Service at the Foot of the ſaid Writ of Summons, together with the Day and Time of ſerving the ſame, according to the following Form:

Manner of ſerving the ſame.

Manner in which it ſhall be atteſted by the Bailiff.

Form of Atteſtation of the Service.

I. G. H. Bailiff of the Pariſh of did on Day of Perſonally ſerve the within-named Defendant with the Copy of the Declaration, and Writ of Summons annexed, by ſhewing him the ſame, and acquainting him with the Contents thereof, and by leaving a Copy of the ſame at his Houſe, with the of the ſaid Defendant, ſuch being of the Age of or thereabouts.

Shall be delivered to the Plaintiff, if perſonally demanded.

Fee of One Shilling to the Bailiff;

to be allowed in Coſts,

otherwiſe to be returned by the Bailiff,

who ſhall be allowed the Charges.

And this Copy of the Declaration, with the Writ of Summons annexed, and the Certificate of the Service ſo made by the Bailiff, ſhall be delivered by him to the Plaintiff, if thereto perſonally required by the Plaintiff himſelf, who ſhall pay the Bailiff, for the Service and Atteſtation as aforeſaid, the Sum of One Shilling, and no more, which Sum of One Shilling, together with the Charges of iſſuing and returning the ſaid Proceſs, ſhall be allowed him in his Coſts, in caſe he ſhall obtain Judgment againſt the ſaid Defendant in the Action; but in caſe the ſaid Plaintiff ſhall not perſonally demand the Cuſtody of the ſaid Proceſs, after ſuch Service and Atteſtation as aforeſaid, that then the Bailiff ſo ſerving and atteſting the ſame ſhall forthwith return the ſame to the Court of Common Pleas from whence ſuch Proceſs iſſued, who ſhall direct the Coſts of returning the ſame, together with the Fee of One Shilling for the Service and Atteſtation thereof, to be paid to the ſaid Bailiff by the Defendant, if he ſhall be condemned in the Suit, or by the Plaintiff, if he ſhall diſcontinue the Action, or otherwiſe fail in the Proof of the Matter contained in his Declaration.

Defendant not appearing after Service of the Declaration and Summons,

Cauſe to be heard on the Part of the Plaintiff only.

And it is further Ordained and Declared, by the Authority aforeſaid, That if any Defendant, after having been duly ſummoned as aforeſaid, ſhall refuſe to pay the ſaid Debt and Coſts, and ſhall not appear, either by himſelf or Agent, before the Court, at the Time and Place mentioned in the ſaid Writ of Summons, it ſhall and may be lawful for the Judge or Judges of the ſaid Court, upon View of the Certificate of the ſaid Bailiff as aforeſaid, or other due Proof of the Service of the ſaid Writ of Summons in Manner aforeſaid, to hear the Cauſe on the Part of the Plaintiff or Plaintiffs only, and

and to make ſuch Order, Decree, or Judgment, and to award ſuch reaſonable Coſts of Suit, as to him or them ſhall ſeem moſt agreeable to Equity and good Conſcience: And if upon the Day of the Return of ſuch Writ, or on ſuch other Day as ſhall be ſpecially appointed by the Court for the hearing of the Cauſe, the Defendant ſo ſummoned as aforeſaid ſhall appear, either by himſelf or his Agent, and the Plaintiff ſhall not appear, either by himſelf or his Agent, or appearing ſhall not proſecute, or proſecuting ſhall fail in the Proof of the Matter contained in his Declaration, that then upon due Proof that ſuch Defendant was ſerved with ſuch Proceſs, it ſhall and may be lawful for the Judge or Judges of the ſaid Court to diſmiſs the ſaid Defendant, and decree and award him ſuch Coſts as in his or their Diſcretion ſhall ſeem meet, and to award Execution againſt the ſaid Plaintiff for Recovery and levying thereof, in the ſame Manner as other Executions are hereby directed to be awarded againſt the Defendant, where the Plaintiff ſhall obtain Judgment in the Action.

Plaintiff not appearing, or appearing, and not proſecuting or failing in Proof of the Debt,

Defendant ſhall be diſmiſſed and the Plaintiff condemned in Coſts.

Provided always, and it is hereby further Ordained and Declared by the Authority aforeſaid, That no Execution ſhall be awarded againſt any Defendant until the next Court Day after that on which Judgment ſhall be given in the Cauſe, to the Intent that the Party may have Time to ſatisfy ſuch Judgment by paying the Debt and Coſts into the Hands of the Plaintiff or Plaintiffs, or his, her, or their Agent, or to the Clerk of the Court, who is hereby authorized and required to receive the ſame for his, her, or their Uſe, unleſs it ſhall be made appear to the Judge or Judges pronouncing ſuch Judgment that the Defendant or Defendants is or are preparing to leave the Diſtrict, or otherwiſe to defeat the Plaintiff of the Effect of his, her, or their Judgment, in which Caſe it ſhall and may be lawful for the Judge or Judges pronouncing the ſaid Judgment to award Execution immediately; but in Default of ſuch Payment as aforeſaid, that then it ſhall and may be lawful for the Judge or Judges giving ſuch Judgment, on the Friday next enſuing the ſaid Judgment, to award the Execution under his or their Hand and Seal, directed to the Head Bailiff of the Pariſh wherein the Defendant reſides, or to ſome other diſcreet Perſon dwelling in or near the ſaid Pariſh, whom the Judge or Judges ſhall think proper to name for that Purpoſe, and which he or they are hereby authorized and impowered to do, commanding him to levy the Debt and Coſts, together with his Fees for levying and returning the ſaid Writ (which Fee ſhall be expreſſed in the Warrant of Execution) out of the Goods and Chattels belonging to ſuch Defendant only, with an expreſs Exception nevertheleſs therein contained to his, the Party's, Beaſts of the Plough, Implements of Huſbandry, Tools of his Trade, and One Bed and Bedding, unleſs the other Goods and Chattels of ſuch Defendant or Defendants ſhall prove inſufficient, in which Caſe ſuch Beaſts of the Plough, Implements of Huſbandry, and Tools of his Trade, ſhall be ſold, but not the Bed and Bedding; and the ſaid Bailiff or other Perſon, to whom ſuch Writ of Execution ſhall be awarded as aforeſaid, ſhall, before he proceeds to do any Thing therein, give Notice at the Church Door of the Pariſh wherein ſuch Writ is intended to be executed, immediately after Divine Service, both Morning and Evening, on Two ſucceſſive Sundays next after the coming of the ſaid Writ, of the Day and Time appointed for the Sale of the Defendant's Goods, on which Day he ſhall proceed to ſell the ſame to the higheſt

Execution not to be awarded, till the Court Day next after giving Judgment,

except the Defendant is about to leave the Diſtrict;

on which Day Execution ſhall be awarded to the Bailiff of the Pariſh where the Defendant reſides, or to ſome other diſcreet Perſon reſiding in or near the ſame;

to be levied out of the Defendant's Goods and Chattels only.

Beaſts of the Plough, Implements of Huſbandry, Tools of Trade, and One Bed and Bedding not to be ſold, unleſs there are no other Goods, and even then the Bed and Bedding not to be ſold.

Bailiff to give Notice for Two Sundays before he proceeds to the Sale of the Defendant's Goods.

Other Directions touching the Sale.

highest Bidder, and for the most Money he can get, till he shall have raised sufficient to discharge the Whole of the said Writ of Execution, after which, if any Goods remain in Execution, the same shall be immediately restored to the Defendant; and in case the Defendant or Defendants, against whom such Writ of Execution as aforesaid shall be awarded, shall not have Goods or Chattels sufficient to satisfy the said Writ of Execution, either in the Whole or in Part, that then the Bailiff, or other Person as aforesaid authorized, shall enquire whether the said Defendant or Defendants hath or have any Lands in his or their Possession or Occupation, or in the Hands of any other Person in Trust for him or them, lying within the Parish wherein such Defendant or Defendants shall reside, or elsewhere within the Jurisdiction of the Court from whence such Writ of Execution shall be awarded; and if the said Bailiff, or other Person so as aforesaid authorized, shall be fully informed and satisfied that such Defendant or Defendants hath or have any Lands as aforesaid, such Bailiff, or other Person so as aforesaid authorized, is hereby required to make Return thereof upon the Back of the Writ, specifying the Extent and Quality of the same, and particularly if any Part thereof be Land usually sowed with Corn, or Meadow Land reserved for Hay, and upon such Return it shall and may be lawful for the Judge or Judges of the Court from whence such Writ issued, to issue another Writ to the Bailiff of the Parish in which such Lands lie, or to some other discreet Person, residing in or near the same, commanding him to enter upon such Arable or Meadow Land belonging to such Defendant or Defendants, at the proper Season immediately after the reaping or mowing the same, and before any Part of the Produce thereof shall be removed and carried off, and of such Produce, whether of Corn or Hay, to set apart so much as in his Discretion he shall think sufficient to discharge the Whole of the Writ so to him directed, and the same to sell upon the Land for the most Money that he can get, leaving the Overplus, if any there be, upon the Land, for the Use of the Defendant or Defendants.

If Defendant's Goods and Chattels not sufficient to satisfy the Execution,

Bailiff to enquire of his Lands,

and to return the Quantity and Condition of them, whether Arable or Grass Land usually reserved for Hay:

If any such, the Court to issue another Writ, directing the Bailiff to enter upon the Lands at the Time of reaping or mowing, and to set apart so much as will be sufficient to satisfy the Debt and Costs; and to sell the same upon the Land, returning the Overplus.

Penalty for obstructing the Bailiff in the Execution of his Writ.

And it is further Ordained and Declared by the Authority aforesaid, that if any Defendant or Defendants, or any Person or Persons by his or their Direction, after Notice to him or them of the coming of such Bailiff or other Person as aforesaid upon the Land (which Notice he is hereby required to give) shall make any Resistance, or prevent his coming upon the Land to execute the Writ, or otherwise disturb him in the Execution of it, or shall remove or carry away all or any of the Parcels of Corn or Hay, so as aforesaid set off, without having first satisfied the Whole of the said Writ of Execution, he or they so offending shall pay and forfeit, over and above the Sum so commanded to be levied, the Sum of Ten Pounds Currency of this Province, to be recovered in a summary Way, before One of the Judges of the Court issuing the said Writ of Execution, by the Person against whom such Offence shall have been committed, or any other Person who shall sue for the same.

Judges impowered to order the Debt to be levied by Instalments,

Provided also, and it is hereby further Ordained and Declared by the Authority aforesaid, That it shall and may be lawful for any Judge or Judges issuing any Writ of Execution in Matters where the Cause of Action shall not exceed the Sum of Twelve Pounds as aforesaid, upon due Proof before him or them made of the distressed Circumstances of the Defendant or Defendants

fendants in the Action to indorſe upon the ſame his or their Order to the Bailiff, or other Perſon as aforeſaid, commanding him to levy and raiſe the ſame by Inſtallments, in ſuch Proportions, and at ſuch Days and Times, as to him or them ſhall ſeem meet.

Provided nevertheleſs, That the Whole of the Time ſo allowed and given ſhall not exceed the Space of Three Months from the Day of the Date of the iſſuing ſuch Writ of Execution; and provided alſo, that if it ſhall appear, upon due Proof thereof made before ſuch Judge or Judges iſſuing ſuch Execution as aforeſaid, that the Defendant or Defendants hath or have, at any Time after the Service of the Declaration and Writ of Summons as aforeſaid, conveyed away or ſecreted all or any Part of his or their Goods or Effects, in order to defeat the Plaintiff or Plaintiffs of his, her, or their Demand, that then and in ſuch Caſe it ſhall may be lawful to and for the ſaid Judge or Judges immediately to award a Writ of Execution againſt the Body or Bodies of the ſaid Defendant or Defendants, directed to the Bailiff or other Perſon as aforeſaid, commanding him to arreſt the ſaid Defendant or Defendants, and him or them to convey to the common Gaol of the Diſtrict, there to remain till ſuch Debt and Coſts be fully ſatisfied, or other Order be made by the ſaid Court for his or their Deliverance.

ſo as the whole Time does not exceed Three Months from the Time of awarding the Writ of Execution.

If Defendant convey away or ſecretes his Effects, Court may award a Writ of Capias ad Satisfaciendum.

And whereas it may be of ſtill further Utility and Convenience, and the Means of extending the Benefit of theſe Regulations more generally throughout the Province, to conſtitute and appoint other Juriſdictions, by which Diſputes of a ſtill inferior Nature may be terminated, as well in the Towns of Quebec and Montreal, as in other Parts of the Province remote from the Courts of Juſtice; It is further Ordained and Declared by the Authority aforeſaid, That it ſhall and may be lawful to and for any Perſon or Perſons, as well within the Towns of Quebec and Montreal, as in other remote Parts of the Province, being thereto ſpecially appointed by Commiſſion under the Hand and Seal of the Governor or Commander in Chief for the Time being, to hear and determine, and alſo to award Execution in all Cauſes where the Matter in Queſtion ſhall not exceed the Sum of Three Pounds Current Money of this Province, ſo as the Title of Lands be not drawn in Queſtion in any ſuch Proceedings, in as full and ample Manner as any Judge or Judges of either of the Courts of Common Pleas are hereby authorized and impowered to do in Matters where the Cauſe of Action ſhall not exceed the Sum of Twelve Pounds as aforeſaid, any Thing to the contrary hereof in this Ordinance notwithſtanding; and the Perſon or Perſons ſo as aforeſaid appointed by Commiſſion, as well in the Towns of Quebec and Montreal, as elſewhere within the Province, are hereby authorized and commanded, in the Execution of the Powers to them entruſted, of hearing, determining, and awarding as aforeſaid, to keep and obſerve all the Rules and Regulations herein preſcribed, limited, and directed, to the Judge or Judges of the Courts of Common Pleas, in the Exerciſe of their Juriſdiction, in Matters where the Cauſe of Action ſhall not exceed the Sum of Twelve Pounds, and to conform to the ſame, both in their Judgments and Proceſs, as fully and perfectly as if the ſame were herein particularly again ſet forth at large and enjoined; and all Bailiffs of Pariſhes, or other Perſons to whom any Writs of Summons, Warrants of Execution, or any other Proceſs whatſoever, in Matters where the Cauſe

Preamble to the Clauſe for empowering Juſtices to determine Matters to the Value of £. 3.

Their Authority under Special Commiſſion.

Titles of Lands not to be drawn in Queſtion in their Proceedings.

Perſons ſo authorized by Commiſſion to obſerve the ſame Forms in their Proceedings as the Judges of the Courts of Common Pleas in Cauſes not exceeding £. 12.

Bailiffs and other Perſons required to pay due Obedience to their Proceſs.

of Action ſhall not exceed the Sum of Three Pounds as aforeſaid, ſhall be directed by any Perſon or Perſons ſo appointed as aforeſaid, are hereby authorized and required to pay due Obedience to the ſame, and cauſe the ſame to be executed, and Returns thereof to be made to the Perſon or Perſons ſo appointed, iſſuing the ſame, as they would do or make to any Judge or Judges of the Courts of Common Pleas, if ſuch Proceſs had iſſued from him or them; provided that ſuch Perſon or Perſons as ſhall be appointed for this Purpoſe within the Towns of Quebec and Montreal ſhall not ſit or hold any Court for the hearing and determining Matters within their Juriſdiction on any Friday, but on ſome other Day in every Week, according to their Diſcretion, other than Friday, or in ſuch Vacation as aforeſaid.

Not to ſit on any Friday, but on ſome other Day in every Week.

Preamble to the Clauſe for altering the preſent Method of ſelling Real Property under Execution.

And whereas great and manifold Inconveniences and Loſſes have ariſen to the Proprietors of Real Eſtates in this Province, by having their Houſes and Lands taken in Execution and expoſed to Sale for the Payment of ſmall Debts, and alſo from the haſty and informal Method of ſetting the ſame to Sale, even in Caſes where the Extent of the Judgment will admit of no other Satisfaction; It is further Ordained and Declared by the Authority aforeſaid, That from and after the Day of the Date of the Publication of this Ordinance, no Proceſs whatſoever ſhall be awarded for the Sale of any Houſe or Houſes, Land or Lands, Tenement or Tenements, upon any Judgment or Judgments, where the original Cauſe of Action ſhall not exceed the Sum of Twelve Pounds Current Money of this Province; and that from and after the Day of the Date of the Publication aforeſaid, no Houſes, Lands, or Tenements, taken in Execution upon any Judgment or Judgments obtained in His Majeſty's Supreme Court of Judicature for this Province, or upon any Judgment or Judgments obtained out of the Courts of Common Pleas in Quebec or Montreal, ſhall be extended or ſold by the Provoſt Marſhal, or any Perſon whatſoever, unleſs the Perſonal Property of the Defendant or Defendants in the Action ſhall be found inſufficient.

No Execution againſt Houſes or Lands, where the Cauſe of Action does not exceed £. 12.

Nor any Houſe or Land to be ſold but in Default of Perſonal Property.

And it is further Ordained and Declared by the Authority aforeſaid, That upon the iſſuing of any Writ of Execution for the Sale of any Houſes or Lands, or ſo ſoon after as may be, the Provoſt Marſhal of the Diſtrict in which ſuch Houſes or Lands ſhall lie or be ſhall cauſe the ſame to be advertiſed in the Quebec Gazette, both in the Engliſh and French, and therein ſet forth, as near as may be, the Quantity and Condition of ſuch Houſes and Lands, together with the Terms and the Day of Sale, which Day of Sale ſhall not be till Six Months after ſuch Publication, and at the ſame Time, or ſo ſoon after as conveniently may be, he ſhall alſo cauſe a true Copy of the ſaid Advertiſement, both in Engliſh and French, to be ſent to the Head Bailiff of the Pariſh where ſuch Houſes or Lands ſhall lie or be, who is hereby ordered and required to fix the ſame upon the Door of ſuch Pariſh Church, and to re-place the ſame, ſo often as it ſhall be removed, defaced, or rendered illegible by Time or Accident, and alſo to publiſh and declare the Contents thereof every Sunday at the Door of the ſaid Church immediately after Divine Service, both in the Morning and Afternoon, that the ſame may be fully known and underſtood by the Inhabitants thereof, for which the ſaid Bailiff ſhall receive, out of the Produce ariſing from the Sale,

Direction to the Proveſt Marſhal touching the Sale of Real Eſtates.

Notice.

No Sale till Six Months after Notice.

Bailiff to publiſh the Sale alſo.

Sale, the Sum of One Spaniſh Dollar, to be paid by the Provoſt Marſhal, and allowed in his Accounts.

Fees of the Bailiff for ſuch Publication.

Provided always, and it is hereby, and by the Authority aforeſaid, further Ordained and Declared, That from and after the Day of the Date of the Publication aforeſaid all Houſes and Lands againſt which any Writ or Writs of Execution ſhall be awarded for the Sale of the ſame, ſhall be taken to be, and they are hereby, and by the Authority aforeſaid, declared to be obliged and bound in Law to pay and ſatisfy all and every Judgment or Judgments, which ſhall and may be obtained againſt the Owners and Proprietors thereof, from the Day on which ſuch Judgment or Judgments ſhall be pronounced or given; and that no Mortgage, Sale, or Aſſignment, or any Deed of Conveyance, or any Diſpoſition without Deed whatſoever, howſoever, or to whomſoever, made after the Day on which ſuch Judgment or Judgments ſhall be pronounced or given as aforeſaid, ſhall defeat, avoid, ſuſpend, or delay the Force and Operation of ſuch Judgment or Judgments; but all and every ſuch Mortgage, Sale, Aſſignment, Deed, and Diſpoſition, ſhall be taken to be, and all and every of them are and is hereby declared to be fraudulent, as againſt the ſaid Judgment Creditor or Creditors, and to have no Validity, Power, Operation, or Effect whatſoever, to the Prejudice of ſuch Judgment Creditor or Creditors.

All Eſtates bound from the Day of the Judgment;

and no Conveyance or Diſpoſition good after the Date of ſuch Judgment.

And laſtly, it is further Ordained and Declared by the Authority aforeſaid, That all Judges and other Perſons authorized to adminiſter Juſtice, iſſuing any Writ of Execution, as well where the Cauſe of Action ſhall exceed the Sum of Twelve Pounds as aforeſaid, as where it falls ſhort of, or is equal to that Sum, ſhall and they are hereby authorized and required to mark upon ſuch Writ of Execution the Day on which Judgment was given in the Cauſe, and if Two or more Writs of Execution ſhall be iſſued upon Judgment given the ſame Day, againſt the ſame Defendant or Defendants, and ſo marked upon the Writs, ſuch Executions ſhall have the ſame Privilege, and be ſatisfied in the ſame Proportions, and the Provoſt Marſhal, Bailiff, or other Perſon, to whom ſuch Writs of Execution ſhall be awarded, receiving the ſame, is hereby authorized and commanded, after the Sale of the Whole of ſuch Defendant or Defendants Real and Perſonal Eſtate, where the ſaid Writs ſhall be awarded againſt both, in caſe the ſame ſhould not be ſufficient to ſatisfy the Whole of the ſaid Judgments, to pay over and divide the Neat Produce of ſuch Sale or Sales, after deducting his own Coſts and Charges, amongſt the ſeveral Plaintiffs, in Proportion to the Amount of their reſpective Judgments.

Judges to mark on the Writ of Execution the Day of ſigning the Judgment;

and in caſe of Two or more Executions againſt the ſame Defendant on the ſame Day, to be ſatisfied in equal Proportions.

(Signed) GUY CARLETON.

Given by his Excellency Guy Carleton, Captain General and Governor in Chief in and over the Province of Quebec, Vice Admiral of the ſame, and Brigadier General of His Majeſty's Forces, &c. &c. in Council at the Caſtle of St. Lewis, in the City of Quebec, in the ſaid Province, and paſſed under the Great Seal of the ſaid Province on the Firſt Day of February, in the Tenth Year of His Majeſty's Reign, and in the Year of Our Lord One thouſand Seven hundred and Seventy.

By his Excellency's Command,

(Signed) GEO. ALLSOPP, D. C. C.

N° 38.

N° 38.

(COPY.)

CAP. II.

An ORDINANCE to regulate the Proceedings in the Courts of Civil Judicature in the Province of Quebec.

Preamble.

WHEREAS it is neceſſary for the Eaſe and Convenience of His Majeſty's Subjects who may have Actions to proſecute in the Courts of Civil Judicature eſtabliſhed in this Province, that the Mode of adminiſtering Juſtice in the ſaid Courts ſhould be clearly aſcertained, and rendered as plain as poſſible; It is therefore Ordained and Enacted by his Excellency the Captain General and Governor in Chief of this Province, by and with the Advice and Conſent of the Legiſlative Council of the ſame, That

Manner of proceeding in Actions above the Value of £. 10 Sterling.

Art. 1. In all Caſes or Matters of Property, exceeding the Sum or Value of £. 10 Sterling, upon a Declaration preſented to any One of the Judges of the Courts of Common Pleas, by any Perſon, ſetting forth the Grounds of his Complaint againſt a Defendant, and praying an Order to compel him to appear and anſwer thereto, ſuch Judge ſhall be, and hereby is empowered and required in his ſeparate Diſtrict to grant a Writ of Summons in the Language of the Defendant, iſſuing forth in His Majeſty's Name, teſted and ſigned by one of the Judges, and directed to the Sheriff of the Diſtrict, to ſummon the Defendant to appear and anſwer the Plaintiff's Declaration on ſome certain future Day, Regard being had to the Diſtance of the Defendant's Abode from the Place where the Court ſits; but if the Judges, or any Two of them, are ſatisfied, by the Affidavit of the Plaintiff, or otherwiſe, that the Defendant is indebted to him, and on the Point of leaving the Province, whereby the Plaintiff might be deprived of his Remedy againſt him; it ſhall be lawful for the ſaid Judges, or any Two of them, to grant an Attachment againſt the Body of ſuch Defendant, and hold him to Bail, and for Want of Bail to commit him to Priſon until the Determination of the Action againſt him: The Declaration ſhall in all Caſes accompany the Writ, and the Plaintiff ſhall not be permitted to amend it until the Defendant ſhall have anſwered the Matter therein contained, nor afterwards, without paying ſuch reaſonable Coſts as the Court may aſcertain.

Suing out the Summons.

Attachment againſt the Body where a Debtor is going to leave the Province.

Declaration to accompany the Writ.

Service thereof.

Art. 2. Copies both of the Writ of Summons, and the Declaration, ſhall be ſerved on the Defendant perſonally, or left at his Houſe with ſome grown Perſon there, otherwiſe the Service ſhall be deemed inſufficient.

If Defendant does not appear,

Art. 3. If on the Day of the Return of the Writ of Summons the Defendant does not appear in Perſon, or by Attorney (Proof of ſuch Service being produced or made in Court) the Plaintiff ſhall obtain a Default againſt the Defendant; and if on calling over the Action in the next Weekly Court Day the Defendant ſhould ſtill neglect to appear, without any good Reaſon for ſuch his Neglect, the Court, after hearing and receiving ſufficient Proof of the Plaintiff's Demand, ſhall cauſe their final Judgment

to

to be entered againſt the Defendant, and ſhall award ſuch Coſts thereupon as they ſhall think reaſonable, and iſſue ſuch Execution as the Law, according to the Nature of the Caſe, may direct. Judgment to be entered.

Art. 4. If the Defendant appears at the Return of the Writ of Summons, or, having made Default on that Day, pays ſuch Coſts as the Court may think reaſonable, and appears on the next Weekly Court Day after ſuch Return, he ſhall, either then, or on ſuch other Day as he may obtain from the Court, make his Anſwer to the Declaration, either in Writing or verbally, as he thinks fit, provided that if his Anſwer is verbal the Clerk of the Court ſhall take down the Subſtance thereof in Writing, and preſerve the ſame amongſt the Records of the Court. If the Plaintiff does not appear, or appearing does not proſecute his Action, the ſame ſhall be diſmiſſed with Coſts. If Defendant appears, he is to answer the Declaration. If the Plaintiff does not attend, the Action to be diſmiſſed with Coſts.

Art. 5. If upon the Declaration and Anſwer, or ſuch further Pleadings as the Court may, if it thinks proper, permit or direct, the Parties ſhall appear to differ eſſentially in their State of Facts, the Court ſhall aſcertain and order the Clerk to take down, in Writing, ſuch Facts, material to the Deciſion of the Cauſe as it will proceed to receive Proof upon, and appoint a Day for hearing and receiving ſuch Proofs as the Parties ſhall think proper to produce. If the Parties differ in their State of Facts, Court ſhall aſcertain the Facts neceſſary to be proved.

Art. 6. In all Caſes where Witneſſes are produced they ſhall be examined and croſs examined, viva voce, in open Court, unleſs ſome good Reaſon is ſhewn to the Judges for departing from this Rule in particular Caſes: The Examinations of the Witneſſes ſhall be taken down in Writing by the Clerk, and filed among the Records of the Court. Manner of examining Witneſſes; their Examinations to be taken down in Writing.

Art. 7. In the Proof of all Facts concerning Commercial Matters, Recourſe ſhall be had, in all the Courts of Civil Juriſdiction in the Province, to the Rules of Evidence laid down by the Engliſh Laws. Engliſh Rules of Evidences adopted in Commercial Caſes.

Art. 8. The Party meaning to appeal from any Sentence or Judgment of any of the Courts of Common Pleas, ſhall ſue out a Writ from the Court of Appeals, teſted and ſigned by the Governor, Lieutenant Governor, or Chief Juſtice, ſtating that the Appellant complains of being aggrieved by the Judgment, and therefore commanding the Judges of the inferior Court, or any Two of them, to ſend up the original Papers and Proceedings in the Cauſe, and Tranſcripts of all Rules, Orders, and Proceedings found in the Records or Regiſters of the Court concerning the ſame; ſuch Writ, when preſented to any of the Judges of the Court below, ſhall be allowed by him, if the Appellant has given the requiſite Security, and when allowed the Clerk of the Court ſhall proceed to comply with the Order of the Writ, and the Judges, or any Two of them, ſhall make their Return againſt the Return Day thereof. Of Appeals. Party appealing to ſue out a Writ, commanding the Judges to ſend up the Record.

Art. 9. If the Appellant does not, within Eight Days after the Return of the ſaid Writ, and the Tranſmiſſion of the Proceedings, file his Reaſons of Appeal, the Appellee ſhall obtain a Rule or Order, that unleſs the Appellant's Reaſons of Appeal are filed in Four Days, the Appeal will be diſmiſſed; and if the ſaid Reaſons of Appeal are not filed within Four Days after Service of The Appellant to file his Reaſons of Appeal in Eight Days.

the ſaid Rule on the Appellant or his Agent, the Appeal ſhall accordingly be diſmiſſed with Coſts.

Appellee to file his Anſwers in Eight Days.

Art. 10. Within Eight Days after the Reaſons of Appeal are filed, the Appellee ſhall file his Anſwers thereto, or if he neglects ſo to do the Appellant ſhall obtain a Rule or Order, that unleſs the Appellee file his Anſwers within Four Days he will be precluded from filing them after that Period; and if his Anſwers are not filed within Four Days after Service of ſuch Rule on the Appellee or his Agent, he ſhall accordingly be precluded from filing them, and the Court will proceed to hear the Cauſe on the Part of the Appellant, and proceed to Judgment therein, without the Intervention of the Appellee.

The Court, on good Cauſe ſhewn, to prolong the Times above allowed.

Art. 11. The ſaid Court of Appeals nevertheleſs ſhall and may, upon Application made, and good Cauſe ſhewn by either of the Parties (Notice being given the other) prolong the Time allowed for filing either the Reaſons of Appeal or Anſwers thereto; and in caſe the Court ſhall not be ſitting at the Time when ſuch Reaſons or Anſwers ought regularly to be filed, the Party neglecting ſhall apply to the Court, at the next Sitting thereof, and ſhew his Reaſons for ſuch his Neglect; and if the Court finds them inſufficient, it will, as the Caſe may be, either diſmiſs the Appeal, or proceed to hear it without the Intervention of the Appellee, as above directed.

Day to be fixed for hearing the Cauſe.

Art. 12. When the Reaſons of Appeal, and Anſwers thereto, are filed, the Court ſhall, on the Application of either of the Parties, fix on ſuch convenient Day for the hearing of the Cauſe as to it may ſeem proper.

In Fifteen Days after Judgment, Execution to iſſue in caſe the Writ of Appeal be not allowed.
No Appeal allowed after a Year from the Date of the Judgment.

Art. 13. If the Writ of Appeal is not allowed by One of the Judges of the Court below, and a Copy thereof ſerved on the Appellee or his Agent, within Fifteen Days after any Judgment given in the Court of Common Pleas, Execution ſhall iſſue, and no Appeal ſhall be allowed or received from the Court of Common Pleas after the Expiration of One Year from the Date of the Judgment of ſuch Court.

Of Executions. Nature of the Writ of Executions.

Art. 14. The Executions ſued out from any of the Courts of Civil Juriſdiction ſhall be a Writ iſſuing in the King's Name, teſted and ſigned, when iſſuing from the Court of Appeals, either by the Governor, Lieutenant Governor, or Chief Juſtice, and when iſſuing from the Court of Common Pleas, by One of the Judges of the Court for the Diſtrict in which it is given, directed to the Sheriff of the Diſtrict, ſetting forth the Judgment of the Court between the Parties, and the Kind of Execution which the Law, according as the Caſe may be, ſhall direct, whether the ſame be to take the Body, or to levy a Sum of Money out of any One's Goods and Chattels, Lands and Tenements, or to do any ſpecial Matter or Thing whatever; the Date of the Judgment ſhall be indorſed on every Writ of Execution, and that Indorſement ſigned by the Judge.

Perſonals to be firſt diſpoſed of; and if inſufficient, Real Eſtate to be ſold.

Art. 15. In all Caſes where Executions ſhall iſſue againſt Real and Perſonal Eſtates, the Sheriff ſhall firſt diſpoſe of the Perſonal Property, and if the Proceeds thereof fall ſhort of the Amount of the Judgment, the Real Eſtate, or ſo much thereof as will produce the Amount, ſhall be ſold for that Purpoſe.

Art.

Art. 16. Where Moveables ſhall be ſeized by the Sheriff under an Execution, he ſhall cauſe the Seizure to be publiſhed at the Church Door of the Pariſh, immediately after Divine Service, on the Firſt Sunday ſucceeding ſuch Seizure, and at the ſame Time cauſe to be proclaimed the Day and Place when and where he means to proceed to the Sale thereof, provided that the Place of Sale ſhall be in the ſame Pariſh in which the Seizure is made. Manner of ſelling Perſonals.

Art. 17. When Lands and Tenements ſhall be ſeized by the Sheriff under a Writ of Execution, he ſhall advertiſe the Sale thereof Three ſeveral Times in the Quebec Gazette, to be on ſome certain Day after the Expiration of Four Months from the Date of the Firſt Advertiſement, and proclaim the ſaid Sale at the Church Door of the Pariſh in which the Premiſſes are ſituated, immediately after Divine Service, on the Three Sundays next preceding the ſame, and cauſe a Copy of the ſaid Advertiſement to be fixed on the Door of the Pariſh Church. Manner of ſelling Real Property.

Art. 18. If Two or more Writs of Execution ſhall be iſſued upon Judgments given the ſame Day againſt the ſame Defendant or Defendants, and ſo marked on the Writs, ſuch Executions ſhall have the ſame Privilege, and be ſatisfied in the ſame Proportions, and the Sheriff or other Perſon to whom ſuch Writs of Execution ſhall be awarded, receiving the ſame, is hereby authorized and commanded, after the Sale of the Whole of ſuch Defendant's Real and Perſonal Eſtate, where the Writ ſhall be awarded againſt both, in caſe the ſame ſhould not be ſufficient to ſatisfy the Whole of ſuch Judgments, to pay over and divide the Nett Produce of ſuch Sale or Sales, after deducting his own Coſts and Charges, amongſt the ſeveral Plaintiffs, in Proportion to the Amount of their reſpective Judgments. When Two or more Writs of Execution iſſue upon Judgments given the ſame Day, they are to be ſatisfied in the ſame Proportions.

Art. 19. On every Execution the Sheriff ſhall be allowed all his Diſburſements, and ſhall be authorized to charge over and above at the Rate of Two and an Half per Centum, to be deducted out of the Money he levies. Allowance to the Sheriff.

Art. XX.

Proceedings in Actions under £. 10 Sterling.

IN Matters either not exceeding or under Ten Pounds Sterling, any Perſon having a Right of Action againſt another, ſhall prepare, or procure from the Clerk of the Court of Common Pleas, a Declaration in the following Form, viz.

"Quebec, / Montreal, } Day of 17 A. B. Plaintiff. C. D. Defendant.—The Plaintiff demands of the Defendant the Sum of "due to the Plaintiff from the Defendant, for which ſaid Sum, "though often demanded, ſtill remains due, therefore the Plaintiff prays "Judgment."

This Declaration ſhall be filed by the Clerk, who ſhall make a Copy thereof,

thereof, and at the Foot of ſuch Copy write out a Summons in the Language of the Defendant in the following Form; viz.

" To C. D. the Defendant in the above Action.—You are hereby com-
" manded and required to pay the Plaintiff A. B. the above-mentioned
" Sum of together with Coſts, or elſe to appear
" in Perſon, or by your Agent, before me, at the Court Houſe in the City of
" Quebec, / Montreal, together with your Witneſſes, if you have any, on the
" Day of when the Matter of Complaint againſt you, as aſ-
" certained in the above Declaration, will be heard and finally determined,
" otherwiſe Judgment will be given againſt you by Default.—E. F.
" Judge of the Court of Common Pleas."

This Summons ſhall be ſigned by One of the Judges of the Court, and a Copy thereof, and of the Declaration, ſerved on the Defendant perſonally, or left at his Dwelling Houſe or ordinary Place of Reſidence, with ſome grown Perſon there; and the Perſon ſerving the ſame ſhall inform the Defendant, or ſuch grown Perſon, of the Contents thereof. If, at the Time mentioned in the Summons, the Defendant does not appear (Proof of the Service thereof being produced in Court) the Judges, or any One of them, ſhall hear the Cauſe on the Part of the Plaintiff, and make ſuch Order, Decree, or Judgment, and award, ſuch reaſonable Coſts of Suit, as to them or him ſhall appear agreeable to Equity and good Conſcience; but if the Defendant does not appear by himſelf, or his Agent, and the Plaintiff, or his Agent, does not appear, or appearing does not proſecute, or proſecuting, fails in his Action, the Judge or Judges ſhall diſmiſs the Defendant with Coſts. If the Plaintiff makes good his Charge againſt the Defendant, the Judge or Judges ſhall give Judgment accordingly, and award Coſts and Execution, but the Execution ſhall not iſſue till the next Court Day after Judgment given; the Execution ſhall go againſt the Moveables only of the Defendant, which ſhall be ſeized by ſome Perſon to be for that Purpoſe appointed by the Court, and ſold by him in the Manner mentioned in the Sixteenth Article of this Ordinance. But the Execution ſhall contain an Exception of the Party's Beaſts of the Plough, Implements of Huſbandry, Tools of his Trade, and One Bed and Bedding, unleſs his other Goods and Chattels ſhould prove inſufficient, in which Caſe ſuch Beaſts of the Plough, Implements of Huſbandry, and Tools of his Trade, ſhall be ſold, but not the Bed and Bedding. The Judge or Judges may, if they think proper, order the Debt to be levied by Inſtallments, provided the Time allowed ſhall not exceed the Space of Three Months from the Day of iſſuing the Execution.

Art. XXI.

In Matters, as well above as of or under the Value of Ten Pounds Sterling, if the Defendant ſhall convey away or ſecrete his Effects, an Execution ſhall go againſt his Perſon, to be taken and detained in Priſon until he ſatisfies the Judgment.

Art. XXII.

For the Satisfaction of all Judgments given in Commercial Matters between

between Merchants, as well as of all Debts due to Merchants for Goods, Wares, and Merchandizes, by them ſold, Execution ſhall iſſue not only againſt the Goods, Chattels, Lands, and Tenements of the Defendant, but alſo, in caſe they ſhall not produce the Amount of the Plaintiff's Demand, againſt his Perſon, to be taken and conveyed into the Priſon of the Diſtrict, and there detained until he pays the Amount of the Judgment, or otherwiſe ſettles with and ſatisfies the Plaintiff: Provided, That if the Defendant, after remaining One Month in Priſon, ſhall make Application to the Court, and make an Affidavit that he is not worth Ten Pounds, the Plaintiff ſhall pay to the Defendent the Sum of Three Shillings and Six Pence Weekly, for his Maintainance as long as he ſhall be detained in Priſon at the Suit of the Plaintiff; ſuch Payment ſhall be made in Advance on Monday in every Week, in Failure of which the Court from whence the Execution iſſued ſhall order the Defendant to be releaſed; but the Plaintiff ſhall not be obliged to make ſuch Payment if he can prove, to the Satisfaction of the Court by which the Defendant ſtands committed, that the Defendant has ſecreted or conveyed away his Effects to defraud his Creditors.

Art. XXIII.

When any Perſon againſt whom Judgment ſhall be given in any of the Courts of Common Pleas ſhall not have ſufficient Goods, Chattels, Lands, or Tenements, to ſatisfy ſuch Judgment within the Juriſdiction of the Court wherein ſuch Judgment ſhall have been obtained, but ſhall have Goods, Chattels, Lands, or Tenements within the Juriſdiction of the other Court of Common Pleas, it ſhall be lawful for the Judge or Judges of the Court wherein Judgment ſhall have been obtained to award Execution to the Sheriff of the other Diſtrict, who, after getting the Writ indorſed by One of the Judges of the Court for the Diſtrict in which the Goods, Chattels, Lands, or Tenements are ſituated, ſhall execute the ſame, and make Return thereof to the Court from which it iſſued; and ſuch Writ and Return ſhall be by him ſent to the Sheriff of the Diſtrict from whence the Writ was originally awarded, to be delivered into the Court that iſſued the ſame. The Sheriff executing ſuch Writ ſhall be anſwerable for his Doings relative thereto before the Court from which it was originally awarded; and the Judges of the Court of Common Pleas for the One Diſtrict may, in like Manner, award Execution againſt the Body of a Perſon reſiding in the other, in Caſes where ſuch Execution is by Law allowed; and the Sheriff executing the Writ to him in ſuch Caſe directed ſhall convey the Body of ſuch Perſon into the Priſon of the Diſtrict wherein ſuch Perſon ſhall be arreſted.

Art. XXIV.

This Ordinance, and the ſeveral Proviſions and Matters therein contained, ſhall remain in Force only during the Space of Two Years from the Publication thereof.

GUY CARLETON.

Ordained and Enacted by the Authority aforeſaid, and paſſed in Council under the Great Seal of the Province, at the Council Chamber in the Caſtle of St. Louis, in the City of

Quebec, the Twenty-fifth Day of February, in the Seventeenth Year of the Reign of Our Sovereign Lord George the Third by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, and ſo forth, and in the Year of Our Lord One thouſand Seven hundred and Seventy-ſeven.

By his Excellency's Command,
J. WILLIAMS, C. L. C.

N° 39.

(COPY.)

An ORDINANCE for eſtabliſhing Courts of Civil Judicature in the Province of Quebec.

Preamble.

WHEREAS it is neceſſary to eſtabliſh Courts of Civil Judicature for the ſpeedy Adminiſtration of Juſtice within this Province; It is therefore Ordained and Enacted by his Excellency the Captain General, and Governor in Chief of this Province, by and with the Advice and Conſent of the Legiſlative Council of the ſame, That

Diviſion of the Province into Two Diſtricts.

Art. 1. For the Eaſe and Convenience of His Majeſty's Subjects reſiding in different Parts of this Province, the ſame ſhall be and hereby is divided into Two Diſtricts, to be called and known by the Names of Quebec and Montreal, which ſaid Diſtricts ſhall be divided and bounded by the River Godfroy on the South, and by the River St. Maurice on the North Side of the River St. Lawrence.

Eſtabliſhment of a Court of Common Pleas for each Diſtrict; to ſit One Day at leaſt in every Week, in Matters exceeding £. 10 Sterling, and another Day in Matters of or under that Sum; except in Vacation Times.

Art. 2. A Court of Civil Juriſdiction, to be called the Court of Common Pleas, ſhall be, and hereby is erected, conſtituted, and eſtabliſhed for each of the ſaid Diſtricts, the One whereof ſhall ſit at the City of Quebec, and the other at the City of Montreal, at leaſt One Day in every Week, for the Deciſion of Cauſes in which the Value of the Matter in Diſpute ſhall exceed Ten Pounds Sterling; and another Day in every Week for the Deciſion of Cauſes in which the Matter in Diſpute ſhall be of or under the Value of Ten Pounds Sterling; and ſhall ſo continue their Sittings throughout the whole Year, excepting Three Weeks at Seed Time, a Month at Harveſt, and a Fortnight at Chriſtmas and Eaſter, and except during ſuch Vacations as ſhall be appointed by the Judges for making their Circuits Twice every Year through their ſeparate Diſtricts. The ſaid Courts ſhall have full Powers, Juriſdiction, and Authority, to hear and determine all Matters of Controverſy relative to Property and Civil Rights, according to the Rules preſcribed by an Act of Parliament made and paſſed in the Fourteenth Year of the Reign of His preſent Majeſty, intituled, "An Act for making more effectual Proviſion for the Government of the Province of Quebec, in North America;" and ſuch Ordi-

Rule of Deciſion.

nances

nances as may hereafter be paſſed by the Governor and Legiſlative Council of the ſaid Province.

Two Judges neceſſary to make a Court.

Their Deciſion to be final in Matters under £. 10 Sterling, except in certain Caſes:

In which excepted Caſes, and in Matters above that Value, Appeal to be to the Governor and Council,

giving good Security.

Art. 3. In Matters above the Value of Ten Pounds Sterling the Preſence of Two Judges ſhall be neceſſary to conſtitute a Court of Common Pleas; the Deciſion of which Court ſhall be final in all Caſes where the Matter in Diſpute ſhall not exceed the Value of Ten Pounds Sterling, except in Matters which may relate to taking or demanding any Duty payable to His Majeſty, or to any Fee of Office, or Annual Rents, or other ſuch like Matter or Thing, where the Rights in future may be bound, in which Caſes, and alſo in all Matters that exceed the ſaid Value of Ten Pounds Sterling, an Appeal ſhall lie to the Governor and Council; provided Security be duly given by the Appellant, that he will effectually proſecute the ſame, and anſwer the Condemnation; as alſo pay ſuch Coſts and Damages as ſhall be awarded, in caſe the Judgment or Sentence of the Court of Common Pleas ſhall be affirmed.

The Governor and Council made a Court of Appeals.

The Governor, Lieutenant Governor, or Chief Juſtice, with any Five Members, to conſtitute a Court.

Art. 4. The Governor and Council are hereby erected and conſtituted a Superior Court of Civil Juriſdiction (whereof, in the Abſence of the Governor and Lieutenant Governor, the Chief Juſtice ſhall be Preſident) for hearing and determining all Appeals from the Inferior Courts of Civil Juriſdiction within the Province, in all Caſes where the Matter in Diſpute ſhall exceed the Sum of Ten Pounds Sterling, or ſhall relate to the taking or demanding any Duty payable to His Majeſty, or to any Fee of Office, or Annual Rents, or other ſuch like Matter or Thing, where the Rights in future may be bound, though the immediate Sum or Value appealed for be leſs than Ten Pounds Sterling. And any Five Members of the ſaid Council (the Judges who ſhall have given the Judgment appealed from excepted) with the Governor, Lieutenant Governor, or Chief Juſtice, ſhall conſtitute a Court for that Purpoſe, which ſhall ſit the Firſt Monday in every Month throughout the Year, and continue ſitting each Month as long as the Buſineſs before it may require: And the ſaid Court of Appeals ſhall have Power to reviſe and examine all the Proceedings in the Court below, and to correct all Errors both in Fact and in Law, and to give ſuch Judgment as the Court below ought to have given, and on Judgment to award and iſſue ſuch Execution as the Law ſhall direct.

The Judgment of the ſaid Court to be final in all Matters not exceeding the Value of £. 500 Sterling: Appeals allowed in Matters above that Value to His Majeſty in Council.

Other Caſes in which Appeal ſhall be allowed to His Majeſty in Council.

Art. 5. The Judgment of the ſaid Court of Appeals ſhall be final in all Caſes where the Matter in Diſpute ſhall not exceed the Value of £. 500 Sterling; but in all Caſes exceeding that Value an Appeal ſhall lie to His Majeſty in His Privy Council, provided Security be firſt duly given by the Appellant, that he will effectually proſecute his Appeal, and anſwer the Condemnation, as alſo pay ſuch Coſts and Damages as ſhall be awarded by His Majeſty in His Privy Council, in caſe the Sentence of the ſaid Court of Appeals ſhall be affirmed. An Appeal ſhall likewiſe lie to His Majeſty in His Privy Council, from the Judgment of the ſaid Court of Appeals, in all Caſes where the Matter in Queſtion ſhall relate to the taking or demanding any Duty payable to His Majeſty, or to any Fee of Office, or Annual Rents, or any ſuch like Matter or Thing, where the Rights in future may be bound, though the immediate Sum or Value appealed for be leſs than £. 500 Sterling; and in all Caſes where Appeal ſhall be allowed

lowed to His Majesty in His Privy Council, Execution shall be suspended until the final Determination of such Appeal, provided Security be given as aforesaid.

Judgments, Sentences, and Executions of the Courts of Civil Jurisdiction, established since the 1st of May 1775, confirmed; subject to an Apppeal, &c.

Art. 6. All Judgments, Sentences, and Executions of the Courtsof Civil Jurisdiction, which it has been found necessary to establish since the 1st of May 1775, are hereby ratified and confirmed, subject nevertheless to an Appeal to the said Court of Appeals, in Matters exceeding the Value of Ten Pounds Sterling, and in Cases where Rights in future may be bound.

Appeal from the Judgments of all the Courts heretofore established to be prosecuted within Three Months.

Art. 7. Any Party meaning to appeal from any Judgment, either of the said last-mentioned Courts, or of the Courts of Civil Jurisdiction subsisting in the Province before the 1st of May 1775, shall sue out the Writ of Appeal within Three Months after the Publication of this Ordinance, after which Period the same will not be allowed.

All Matters undetermined in any former Court of Appeals to be transmitted to the Court of Governor and Council.

Art. 8. All Actions instituted in any of the Courts of Civil Jurisdiction subsisting in the Province before the 1st May 1775, or in those established since the 1st May 1775, and remaining undetermined therein, shall be transmitted to the Courts of Common Pleas hereby established for the respective Districts, to be proceeded upon to Judgment, as if the same had been commenced therein; also all Matters remaining undetermined in any Court of Appeals heretofore subsisting in this Province shall be forthwith transmitted to the Court of Appeals hereby established, to be proceeded upon therein to Judgment and Execution.

GUY CARLETON.

Ordained and Enacted by the Authority aforesaid, and passed in Council, under the Great Seal of the Province, at the Council Chamber in the Castle of St. Louis, in the City of Quebec, the 25th Day of February, in the Seventeenth Year of the Reign of Our Sovereign Lord George the Third, by the Grace of God of Great Britain, France and Ireland, King, Defender of the Faith, and so forth, and in the Year of Our Lord 1777.

By his Excellency's Command.

J. WILLIAMS, C. L. C.

N° 40.

(COPY.)

An ORDINANCE for eſtabliſhing Courts of Criminal Juriſdiction in the Province of Quebec.

IT is Ordained and Enacted by his Excellency the Captain General and Governor in Chief of this Province, by and with the Advice and Conſent of the Legiſlative Council of the ſame, That

Art. I.

Eſtabliſhment of a Supreme Court of Criminal Juſtice,

There ſhall be and hereby is erected, conſtituted, and eſtabliſhed for the Province at large, a Supreme Court of Criminal Juſtice and Juriſdiction, to be called and known by the Name of the Court of King's Bench, for the Cognizance of all Pleas of the Crown, and for the Trial of all Manner of Offences whatſoever; the ſaid Court ſhall be held before the Chief Juſtice of the Province, or Commiſſioners that may be appointed for executing the Office of Chief Juſtice for the Time being, who ſhall hear and determine the ſaid Pleas of the Crown, and all Manner of Offences whatſoever, according to the Laws of England, and the Ordinances of the Governor and Legiſlative Council of the Province.

to be held before the Chief Juſtice, or Commiſſioners for executing that Office.

Four Seſſions; Two at Quebec, Two at Montreal.

And for the ſpeedy Adminiſtration of Juſtice, and the preventing long Impriſonments, there ſhall be held, in every Year, Four Seſſions of the ſaid Court of King's Bench, whereof Two Seſſions ſhall be held at the City of Quebec, and the other Two at the City of Montreal, at the Times hereafter following, to wit, at the City of Quebec on the Firſt Tueſday of May and the Firſt Tueſday of November, and at the City of Montreal on the Firſt Monday of March and the Firſt Monday of September in every Year: but nothing herein contained ſhall extend to prevent the Governor, Lieutenant Governor, or Commander in Chief for the Time being, to iſſue Commiſſions of Oyer and Terminer and Gaol Delivery at any other Time or Times, when he may think it neceſſary and expedient ſo to do.

Times of ſitting.

Special Commiſſions to be iſſued if neceſſary.

Art. II.

Eſtabliſhment of the Court of Quarter Seſſions.

In each of the Diſtricts of Quebec and Montreal there ſhall be held and kept, Four Times in every Year, a Court of General Quarter Seſſions of the Peace, by the Commiſſioners of the Peace of each reſpective Diſtrict, or ſo many of them as are or ſhall be limited in the Commiſſion of the Peace, who ſhall hear and determine all Matters relative to the Conſervation of the Peace, and whatſoever is by them cognizable, according to the Laws of England, and the Ordinances of the Governor and Legiſlative Council of the Province. The ſaid Seſſions for the Diſtrict of Quebec, ſhall be held at the City of Quebec, and the ſaid Seſſions for the Diſtrict of Montreal ſhall be held at the City of Montreal, on the Days hereafter following,

Places and Times of ſitting.

lowing, to wit, on the Second Tueſdays of the Months of January, April, July, and October, in every Year.

Two Commiſſioners to ſit Weekly.

And Two of the ſaid Commiſſioners of the Peace ſhall ſit Weekly in Rotation in the Cities of Quebec and Montreal, for the better Regulation of the Police, and other Matters and Things belonging to their Office; and the Names of the Commiſſioners who are to ſit in each Week ſhall be poſted up on the Door of the Seſſions Houſe, by the Clerk of the Peace, Two Days before their reſpective Sittings.

Art. III.

Captains of Militia impowered in their reſpective Pariſhes to act as Coroners.

As the great Extent of this Province may render it often impracticable for the Coroner of the Diſtrict to give his Attendance at the different Places where it might be neceſſary, the Captains of Militia ſhall be and hereby are empowered, in their reſpective Pariſhes, when any Marks of Violence appear on any dead Body, to ſummon together Six reputable Houſeholders of his Pariſh, to inſpect the ſame; and he ſhall, according to their Opinion, report the Manner and Cauſe of ſuch Death in Writing to the neareſt Commiſſioner of the Peace, that a further Examination may be made therein, if neceſſary.

Art. IV.

Captains of Militia appointed Peace Officers in their reſpective Pariſhes.

And as great Inconveniences might ariſe from the Want of Peace Officers in different Parts of the Province, the ſaid Captains of Militia ſhall be and hereby are empowered to arreſt any Perſon guilty of any Breach of the Peace, or any Criminal Offence, within their reſpective Pariſhes, and to convey, or cauſe to be conveyed, ſuch Perſon before the neareſt Commiſſioner of the Peace, to be dealt with according to Law.

(Signed) GUY CARLETON.

Ordained and Enacted by the Authority aforeſaid, and paſſed in Council under the Great Seal of the Province, at the Council Chamber in the Caſtle of St. Lewis, in the City of Quebec, the Fourth Day of March, in the Seventeenth Year of the Reign of Our Sovereign Lord George the Third, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, and ſo forth, and in the Year of Our Lord One thouſand Seven hundred and Seventy-ſeven.

By his Excellency's Command.

J. WILLIAMS, C. L. C.

N° 41.

(COPY.)

Anno Viceſimo Tertio Georgii III. Regis.

CHAP. I.

An ORDINANCE for further continuing an Ordinance made the 25th Day of February, in the Seventeenth Year of His Majeſty's Reign, intituled, " An Ordinance to regulate the " Proceedings of the Courts of Civil Judicature in the Pro- " vince of Quebec ;" and in Amendment thereof.

BE it Enacted and Ordained by His Excellency the Governor, by and with the Advice and Conſent of the Legiſlative Council of the Province of Quebec, and by the Authority of the ſame it is hereby Enacted, That an Ordinance made in the Seventeenth Year of His Majeſty's Reign, intituled, " An Ordinance to regulate the Proceedings of the Courts of Civil Judicature " in the Province of Quebec," and every Article and Clauſe therein contained, ſhall be and continue, and the ſame is hereby further continued, from the paſſing of this preſent Ordinance unto the Thirtieth Day of April One thouſand Seven hundred and Eighty-five.

And whereas in and by the Eighth Article of the ſaid Ordinance it is Ordained and Enacted, That a Writ of Appeal ſhall be allowed if the Appellant hath given the requiſite Security for proſecuting the ſame; It is Enacted and Ordained, That the Judges to whom any ſuch Writ of Appeal may be directed ſhall and may be empowered, and are hereby lawfully authorized to accept of Perſonal Security on Bail by Juſtification, for ſufficiently proſecuting all or any ſuch Writ of Appeal to be ſued out and proſecuted according to the ſaid Ordinance, any Thing contained in the Ordinances or Laws of this Province to the contrary notwithſtanding.

(Signed) FRED. HALDIMAND.

Ordained and Enacted by the Authority aforeſaid, and paſſed in Council under the Public Seal of the Province, at the Council Chamber in the Caſtle of St. Lewis, in the City of Quebec, the Fifth Day of February, in the Twenty-third Year of the Reign of Our Sovereign Lord George the Third, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, and ſo forth, and in the Year of Our Lord One thouſand Seven hundred and Eighty-three.

By His Excellency's Command.
J. WILLIAMS, C. L. C.

N° 42.

(COPY.)

Anno Viceſimo Quinto Georgii Regis.

CHAP. II.

An ORDINANCE to regulate the Proceedings in the Courts of Civil Judicature, and to eſtabliſh Trials by Juries in Actions of a Commercial Nature, and Perſonal Wrongs to be compenſated in Damages.

Preamble.

WHEREAS it is neceſſary, for the Eaſe and Conveniency of His Majeſty's Subjects who may have Actions to proſecute in the Courts of Civil Judicature eſtabliſhed in this Province, that the Mode of adminiſtering Juſtice in the ſaid Courts ſhould be clearly aſcertained, and rendered as plain as poſſible:

Be it therefore Ordained and Enacted by his Honour the Lieutenant Governor and Commander in Chief of this Province, by and with the Advice and Conſent of the Legiſlative Council thereof, and by the Authority of the ſame it is hereby Ordained and Enacted,

Manner of Proceedings in the Actions above the Value of £. 10 Sterling.

Art. 1. That in all Cauſes or Matters of Property exceeding the Sum or Value of Ten Pounds Sterling, upon a Declaration preſented to any One of the Judges of the Court of Common Pleas by any Perſon, ſetting forth the Grounds of his Complaint againſt a Defendant, and praying an Order to compel him to appear and anſwer thereto, ſuch Judge ſhall be and hereby is empowered and required in his ſeparate Diſtrict to grant ſuch an Order, whereby the Plaintiff may have and obtain from the Clerk of the Court a Writ of Summons in the Language of the Defendant, to be iſſued in His Majeſty's Name, and atteſted by Name of ſuch Judge, to be directed and executed by the Sheriff of the Diſtrict where ſuch Court ſhall have Juriſdiction, and in which the Defendant may be or doth reſide, commanding ſuch Defendant to be and appear in ſuch Court to anſwer to the Plaintiff on the Day appointed by ſuch Judge in the Order on the Declaration, Regard being had to the Seaſon of the Year, as well as to the Diſtance of the Defendant's Abode or Place of Service from the Place where the Court may ſit.

Execution not to be iſſued againſt Abſentees, till Security be given.

Art. 2. Provided always, That a Copy of the Writ of Summons, and the Declaration, ſhall be ſerved on the Defendant Perſonally, or left at his Houſe, with ſome grown Perſon there belonging to the Family, and in ſo doing the Service ſhall be deemed ſufficient: Provided nevertheleſs, that if the Defendant be abſent in the upper Country, or lower Parts of the Province, that is to ſay, when in or upon any Place beyond the Long Sault on the Ottawa River, or beyond the Oſwegatche in the upper Parts of the Province, or in or upon any Place below Cape Cat on the South Side, and the Seven Iſlands on the North Side of the River St. Lawrence, and where ſuch Defendant

dant hath not been Perſonally ſerved with ſuch Summons and Declaration as aboveſaid, that no Execution ſhall iſſue unleſs the Plaintiff ſhall give good and ſufficient Security, to be approved by the Court, to refund to the Defendant or his legal Repreſentative as much as the Defendant, appearing by himſelf or his legal Attorney within a Year and a Day, may be able to ſet aſide and reverſe of the ſaid Judgment, by ſuch the Conſideration of the ſaid Judgment in the Court where given, as may be preſented in the Conditions expreſſed in the Security to be given as aforeſaid for re-hearing of the Merits of ſaid Cauſe.

Art. 3. That the ſaid Declaration ſo to be filed ſhall not be altered or amended after being filed as aboveſaid, unleſs upon Rule of the Court, and upon Payment of Coſts.

Attachment againſt the Body, when a Debtor is going to leave the Province.

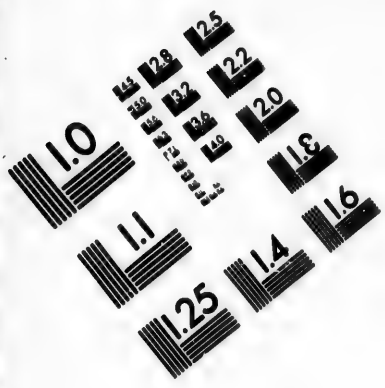
Art. 4. That in all and every Caſe where One or more Judges of any Court of Common Pleas is or may be ſatisfied, by the Affidavit of the Plantiff, or his Book Keeper or Clerk, or legal Attorney, that the Defendant is Perſonally indebted to the Plaintiff in a Sum exceeding Ten Pounds Sterling, and may alſo be ſatisfied, by the Oath of the Plaintiff or ſome other Perſon, that the Defendant is immediately about to leave the Province, and whereby the Plaintiff might be depri[illegible] of his Remedy againſt ſuch Defendant, it ſhall and may be lawful for One or more Judge or Judges of any Court of Common Pleas to grant a Capias or Attachment againſt the Body of ſuch Defendant, to be directed to the Sheriff in Manner as aforeſaid, to hold ſuch Defendant to Bail for his Appearance at the Return of ſuch Writ, and in Default thereof to commit him to Priſon, there to remain until Special Bail may be given by ſuch Defendant, or until Two Days after Execution may be obtained by the Plaintiff, if Judgment be in his Favour.

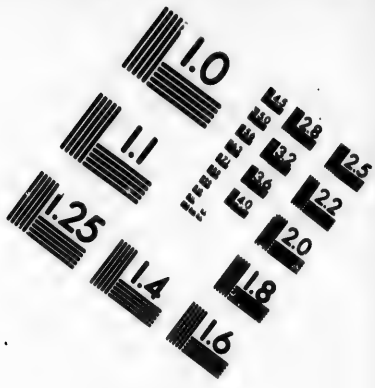
Art. 5. Provided always, That if any Defendant, ſo bound in Recognizance by Special Bail, ſhall or do ſurrender himſelf in open Court, pending the Action, or at any Time within One Month after Judgment obtained, or do ſurrender himſelf unto the Sheriff of the Diſtrict where ſuch Court may have Juriſdiction, at any Time within Fifteen Days after the Day on which the Plaintiff might legally have and obtain Execution by Capias ad Satisfaciendum upon Judgment obtained, that then and in ſuch Caſe ſuch Surrender of the Defendant ſhall be held, taken, and conſidered as a Diſcharge of the Perſons bound for ſuch Defendant on Special Bail.

If Defendant does not appear, Judgment to be entered.

Art. 6. If on the Day of the Return of the Writ of Summons the Defendant does not appear in Perſon or by Attorney (Proof of ſuch Service being produced or made in Court) the Plaintiff ſhall obtain a Default againſt the Defendant; and if on calling over the Action on the next Weekly Court Day the Defendant ſhould ſtill neglect to appear, without any good Reaſon for ſuch his Neglect, the Court, after hearing and receiving ſufficient Proof of the Plaintiff's Demand, ſhall cauſe their final Judgment to be entered againſt the Defendant, and ſhall award ſuch Coſts thereupon as they ſhall think reaſonable, and iſſue ſuch Execution as the Law, according to the Nature of the Caſe, may direct.

Art. 7. Provided always, That every Proof that may be offered by the Plaintiff in Support of his Action and Demand, ſhall be filed in Court; and





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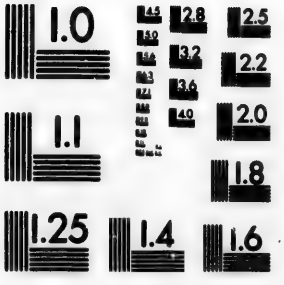

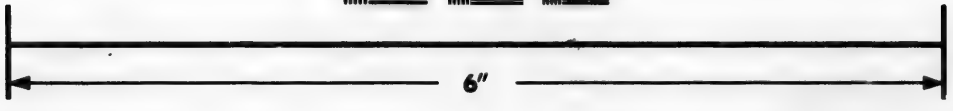

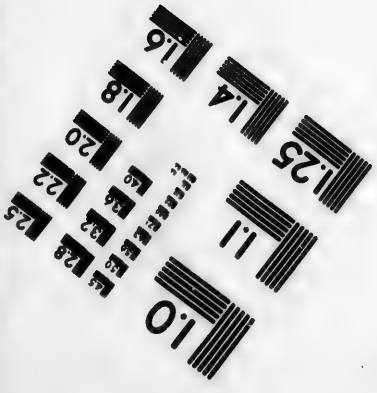

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remain of Record, in the ſame Manner as if the Defendant had appeared and defended the Action.

If Defendant appears, he is to anſwer the Declaration.

Art. 8. Provided always, That the Defendant upon his Appearance at the Return Day of the Writ, or in caſe of Default upon his Appearance at the next Weekly Court after ſuch Return, and after Payment of Coſts of ſuch Default as aboveſaid, ſhall then or on ſuch other Day as he may obtain from the Court, make his Anſwer to the Declaration, either in Writing or verbally, as he thinks fit; and if the Anſwer be verbal, the Clerk of the Court ſhall take down the Subſtance thereof in Writing, and preſerve the ſame among the Records of the Court, and in the ſaid Action. And if the Plaintiff doth not appear at the Return Day of ſuch Writ, or appearing doth not proſecute his Action, the ſame ſhall be diſmiſſed, with Coſts to the Defendant.

Trial by Juries in certain Caſes, at the Option of the Parties.

Art. 9. That all and every Perſon having Suits at Law and Actions in any of the ſaid Courts of Common Pleas, grounded on Debts, Promiſes, Contracts, and Agreements of a Mercantile Nature only, between Merchant and Merchant, and Trader and Trader, ſo reputed and underſtood according to Law, and alſo of Perſonal Wrongs proper to be compenſated in Damages, may, at the Option and Choice of either Party, have and obtain the Trial and Verdict of a Jury, as well for the Aſſeſſment of Damages on Perſonal Wrongs committed, as the Determination of Matters of Fact in any ſuch Cauſe: Provided always, That the Agreement of Nine of the Twelve Jurors who ſhall compoſe ſuch Jury ſhall be ſufficient and effectual to return a Verdict, and that the ſame ſo made and returned, ſhall be held as legal and effectual to every Intent and Purpoſe, *inaſmuch* as if the whole Twelve Jurors had agreed therein; and the Clerk of the Court ſhall ſet down the Names of the Jurors on the Regiſter of the Court in every Caſe where Verdicts may be returned as aboveſaid: Provided alſo, That in all ſuch Cauſes and Actions that may be between His Majeſty's natural born Subjects of Great Britain, Ireland, or the Plantations and Provinces in America, the Juries in ſuch Cauſes ſhall be compoſed of ſuch natural born Subjects as aboveſaid; and in all Cauſes and Actions between His Majeſty's Canadian or new Subjects, the Juries ſhall be compoſed of ſuch Canadian or new Subjects; and in all Cauſes of Actions between natural born Subjects and the Canadian or new Subjects, the Jury ſhall be compoſed of an equal Number of each, if ſuch be required by either of the Parties in any of the abovementioned Inſtances.

Engliſh Rules of Evidence adopted in Commercial Caſes.

Art. 10. In Proof of all Facts concerning Commercial Matters, Recourſe ſhall be had, in all the Courts of Civil Juriſdiction in this Province, to the Rules of Evidence laid down by the Laws of England.

Where neither Party is deſirous of the Trial by Jury, Proceedings as formerly.

Art. 11. Provided always, and it is Ordained and Enacted, That in all Cauſes before the ſaid Courts of Common Pleas, where the Parties, Plaintiff nor Defendant, are neither of them deſirous of a Trial by the Verdict of a Jury of and reſpecting Matters legally within the Cognizance of ſuch Jury, but that ſuch Trial ſhould be by the Depoſition of Witneſſes, and by Proofs, as at preſent uſed in His Majeſty's ſaid Courts of Common Pleas, the Court ſhall, after Iſſue joined on the Merits of the Cauſe, in the Manner as hereafter expreſſed, appoint a Day for hearing the Evidence of the Parties, Plaintiff and Defendant, and cauſe the ſame to be taken

taken down in Writing by the Clerk of the Court, in open Court, and ſigned and ſworn to by each reſpective Witneſs, ſave and except as hereafter provided for Witneſſes abſent by Reaſon of Sickneſs, or of departing the Province.

Provision for examining Witneſſes in caſe of Sickneſs, or when about to depart the Province.

Art. 12. Provided alſo, that in caſe of Sickneſs, and where the Witneſſes cannot attend the Court to be aſcertained by Affidavit, it may be lawful for the Court in ſuch Caſes, and of evident Neceſſity, after Iſſue joined as aboveſaid, to allow and permit that any One Judge, in the Preſence of the Parties, Plaintiff and Defendant, or their Attornies, or in their or either of their Abſence, after due Notice ſignified, may take the Depoſition of ſuch Witneſs in Writing, to be ſigned and ſworn to, and certify and record the ſame in the ſaid Court, and there to be of legal Effect; and moreover that ſuch Depoſition ſo taken may be offered and read to the Jury as legal Evidence, if ſuch Cauſe be to be tried by Jury; and alſo in Cauſes inſtituted in the ſaid Court, where any Witneſs may be about to depart the Province, and by which Means either Party might be deprived of his Teſtimony, to be aſcertained by Affidavit, it ſhall and may be lawful for any Judge of the ſaid Courts to take the Depoſition of ſuch Witneſs, in Preſence of the Parties, or their Attornies, in the Manner as above expreſſed, and the ſame ſhall be of legal Effect in every Cauſe in the Manner as aboveſaid.

Limitation of Pleadings.

Art. 13. And it is further Ordained and Enacted, That every Iſſue in Law or Fact, to be formed in any Cauſe in either of the ſaid Courts of Common Pleas, between the Parties, Plaintiff and Defendant, ſhall be made and completed by the Declaration, Anſwer, and Replication, or by the Plea, Anſwer, and Replication, in Caſes of Abatement and Bar of the ſaid Parties, Plaintiff and Defendant, and that no other or further Pleadings, or Writings by Way of Plea, upon ſuch Iſſue or Matter in Diſpute, whether of Law or Fact, ſhall be received or admitted by the ſaid Courts of Common Pleas as Part of and to be put upon Record in any Cauſe there inſtituted, and to be heard and adjudged upon, any Thing to the contrary notwithſtanding.

When the Sheriff is concerned the Proceſs to be ſerved by the Coroner.

Art. 14. That every Writ and Proceſs which ought to be ſerved and executed by the Sheriff, where it ſhall happen that the Sheriff may be Perſonally intereſted and concerned, ſhall be ſerved and executed by the Coroner of the Diſtrict in which ſuch Writ, Proceſs, or Execution may iſſue.

Of Jurors, their Qualifications.

Art. 15. That all Merchants or Traders of lawful Age, and alſo all Perſons of lawful Age being Houſeholders, or occupying Lodgings of the Value of Fifteen Pounds per Annum Rent, ſhall be held and conſidered qualified as Jurors, and to ſerve on Petit Juries.

Sheriffs to make out Liſts of Jurors.

Art. 16. That the Sheriff of each Diſtrict ſhall make out Liſts of all Perſons ſo qualified as aboveſaid, who may reſide in the Cities of Quebec or Montreal, and within the Vicinage or Banlieu thereof, and return the ſame into the reſpective Courts of Common Pleas of the Diſtrict in which ſuch Sheriff may officiate, and in which Return ſhall be ſet down the Chriſtian and Surname, and alſo the Profeſſion, Trade, or Calling, and Place of Abode, of ſuch Perſons ſo returned.

Art. 17.

Art. 17. That from the ſaid general Liſt the Clerk of each Court ſhall make Two ſeparate Liſts or Books, the one to contain the Names of all Merchants, Perſons concerned in Trade, or qualified to ſerve on Special Juries, and the other Liſt or Book to contain the Names of Perſons of different Occupations ſo returned on the ſaid general Liſt by the Sheriff as aforeſaid; that the ſaid Liſts or Books, when ſo made, ſhall be examined by the Judges and Sheriff, and corrected, if needful, and ſhall be of Record, and open in the Clerk's Office to the Inſpection of all Perſons, without Fee or Reward.

Art. 18. That on all and every Cauſe where a Trial may be moved for and directed to be taken by the Verdict of a Jury, it ſhall and may be lawful for the Parties, Plaintiff and Defendant, or their Attornies, to ſtrike a Jury from the above Liſts or Books ſo returned into Court, and completed as aboveſaid, in the ſame Manner, and under the ſame Rules, as Special Juries are ſtruck in the Courts of Record in England; (that is to ſay) from the firſt Liſt or Book ſo formed by the Clerk, and approved by the Judges as aboveſaid, in all Cauſes of Mercantile Diſpute, or Actions of Damages, where the total Amount, Sum, Dealing, or Matter of Account, Agreement, or Tranſaction between the Parties, may exceed Fifty Pounds; and from the Second Liſt or Jury Book, where the total Sum as aboveſaid may not exceed the ſaid Sum of Fifty Pounds.

Juries to be taken in Rotation.

Art. 19. Provided always, That the ſaid Juries ſo to be ſtruck from either of the ſaid Liſts ſhall be taken from the ſame in Rotation, and following each other, by commencing at that Part of the Liſt from whence the former or preceding Jury was ſtruck or taken; and alſo that in all Cauſes that may appear to the Court before which they are to be had to be of Intricacy, and that ought to be tried by a Jury from the firſt Liſt, although the Sum or total Amount may not exceed Fifty Pounds, the Judges of ſuch Court may permit and order the Jury to be ſtruck from the firſt Liſt, the Party applying for ſuch Jury paying the Difference of Fees between Jurors from the firſt and the ſecond Jury Liſt or Book.

Challenge or Exceptions to Jurors to be determined agreeable to the Laws of England.

Art. 20. That all and every Challenge or Exception to the Pannel, or any particular Juror returned thereon, ſhall be taken, made, and determined upon in open Court, and conformable to the Laws of England; that Jurors ſerving on Special Juries as aboveſaid, and ſtruck from the firſt Liſt or Jury Book, ſhall have and receive Two Shillings and Six Pence each for every Verdict to be made and delivered, and before returned into Court; and Jurors ſtruck from the ſecond Liſt or Jury Book, One Shilling each for every Verdict in Manner as aforeſaid.

Liſt of Jurors to be returned by the Sheriffs in the Month of June Yearly.

Art. 21. That Liſts of Jurors, in the Manner preſcribed by the preceding Articles ſhall be made, by the Sheriffs returned into the ſeveral Courts, and formed in the Manner abovementioned in the Month of June in every Year.

Penalty on Jurors not attending.

Art. 22. That all Perſons being duly ſummoned to attend in any of His Majeſty's Courts of Common Pleas to ſerve as Jurors as aboveſaid, and neglecting or refuſing ſo to do, ſhall be liable to, and may be fined by the ſaid Courts reſpectively, in any Sum not exceeding Five Pounds, and not leſs than Ten Shillings, to be levied by Warrant of Diſtreſs on the Goods

Goods and Chattels of ſuch Perſon ſo refuſing or neglecting to attend, and to be paid to His Majeſty's Receiver General for the Public Uſes of the Province.

Perſons exempted from ſerving on Juries.

Art. 23. That the Members of His Majeſty's Council, the Officers of His Majeſty's Courts, Officers of the Cuſtoms, Naval Officers, Perſons employed in the Service of the Poſt Office, Phyſicians and Surgeons, and Officers employed in Military Service, ſhall be exempted from ſerving on Juries.

Appeals from definitive Judgments.

Art. 24. The Party meaning to appeal from any definitive Sentence or Judgment of any of the Courts of Common Pleas ſhall ſue out a Writ from the Court of Appeals, teſted and ſigned by the Governor, Lieutenant Governor, or Chief Juſtice, ſtating that the Appellant complains of being aggrieved by the Judgment, and therefore commanding the Judges of the inferior Court, or any Two of them, to ſend up the original Papers and Proceedings found in the Records or Regiſters of the Court concerning the ſame. Such Writ, when preſented to any of the Judges of the Court below, ſhall be allowed by him, if the Appellant has given the requiſite Security, which Security is hereby underſtood to be Perſonal Security, or Bail by Juſtification, any Law, Uſage, or Cuſtom to the contrary notwithſtanding. Provided nevertheleſs, that an Appeal may be had and obtained in Manner aboveſaid from any Interlocutory Sentence or Judgment which may carry Execution by ordering ſomething to be done or executed that cannot be remedied by the final Sentence or Judgment, or whereby the Right of the Matter in Conteſtation between the Parties may be in Part decided, or whereby final Hearing and Judgment may be unneceſſarily delayed: Provided always, That ſuch Appeal ſhall not be granted and allowed, except upon Motion made in the Court of Appeals for that Purpoſe, and a Rule ſerved upon the other Party, or his Attorney, to ſhew Cauſe why a Writ of Appeal from ſuch Interlocutory Sentence or Judgment ſhould not be granted: And it is hereby ordained, that a Rule ſo ſerved ſhall have the Effect to ſtay Execution upon ſuch Interlocutory Sentence or Judgment, till the Determination of the Motion for ſuch Appeal; and if the Writ of Appeal ſhall be awarded thereupon, and allowed by the Judges in Manner as aforeſaid, the Clerk of the Court ſhall proceed to comply with the Order of the Writ, and the Judges, or any Two of them, ſhall make their Return as therein commanded.

Appeals from Interlocutory Judgment.

Appellant to file his Reaſons of Appeal in Eight Days.

Art. 25. If the Appellant does not, within Eight Days after the Return of the ſaid Writ, and the Tranſmiſſion of the Proceedings, file his Reaſons of Appeal, the Appellee ſhall obtain a Rule or Order, that unleſs the Appellant's Reaſons of Appeal are filed in Four Days, the Appeal will be diſmiſſed: And if the ſaid Reaſons of Appeal are not filed within Four Days after Service of the ſaid Rule, on the Appellant or his Agent, the Appeal ſhall be accordingly diſmiſſed with Coſts.

Appellee to file his Anſwers in Eight Days.

Art. 26. Within Eight Days after the Reaſons of Appeal are filed, the Appellee ſhall file his Anſwers thereto; or if he neglects ſo to do, the Appellant ſhall obtain a Rule or Order, that unleſs the Appellee file his Anſwers within Four Days, he will be precluded from filing them after that Period; and if his Anſwers are not filed within Four Days after Ser-

vice of ſuch Rule on the Appellee or his Agent, he ſhall accordingly be precluded from filing them; and the Court will proceed to hear the Cauſe on the Part of the Appellant, and proceed to Judgment therein without the Intervention of the Appellee.

The Court, upon good Cauſe ſhewn, may prolong the Time above allowed.

Art. 27. The ſaid Court of Appeals nevertheleſs ſhall and may, upon Application made, and good Cauſe ſhewn by either of the Parties (Notice being given to the other) prolong the Time allowed for filing either the Reaſons of Appeal or Anſwers thereto; and in caſe the Court ſhall not be ſitting at the Time when ſuch Reaſons or Anſwers ought regularly to be filed, the Party neglecting ſhall apply to the Court at the next Sitting thereof, and ſhew his Reaſons for ſuch Neglect; and if the Court finds them inſufficient, it will as the Caſe may be, either diſmiſs the Appeal, or proceed to hear it without the Intervention of the Appellee as above directed.

Day to be fixed for hearing the Cauſe.

Art. 28. When the Reaſons of Appeal, and the Anſwers thereto, are filed, the Court ſhall, on the Application of either of the Parties, fix on ſuch convenient Day for the hearing of the Cauſe, as to it may ſeem proper.

Execution to iſſue in Fifteen Days, if Appeal is not allowed, or Security given.

Art. 29. If the Writ of Appeal is not allowed by one of the Judges of the Court below, and a Copy thereof ſerved on the Appellee or his Agent, within Fifteen Days after any Judgment given in the Court of Common Pleas, Execution ſhall iſſue: Provided always, that in Caſes of Appeal from Judgments in His Majeſty's Court of Common Pleas in the Diſtrict of Montreal, Execution ſhall be ſtayed for the Space of Twenty Days, where the Party meaning to appeal ſhall lodge good and ſufficient Security in the ſaid Court, within Fifteen Days from the Date of ſuch Judgment, to proſecute his ſaid Writ of Appeal with Effect; and that ſuch Security ſhall be taken as in Caſe of an actual Writ of Appeal iſſued and admitted. And no Appeal ſhall be allowed or received from the Court of Common Pleas, after the Expiration of One Year from the Date of the Judgment of ſuch Court, ſave and except ſuch Judgment whereby the Rights of Infants, Abſentees, Femes Coverts, or Perſons non compos Mentis may be bound.

Limitation of Appeals.

Of Executions.

Nature of the Execution.

Art. 30. The Execution ſued out from any of the Courts of Civil Juriſdiction ſhall be a Writ iſſuing in the King's Name, teſted and ſigned, when iſſuing from the Court of Appeal, either by the Governor, Lieutenant Governor, or Chief Juſtice; and when iſſuing from the Court of Common Pleas by One of the Judges of the Court for the Diſtrict in which it is given, directed to the Sheriff of the Diſtrict, ſetting forth the Judgment of the Court between the Parties, and the Kind of Execution which the Law, according as the Caſe may be, ſhall direct, whether the ſame be to take the Body, or to levy a Sum of Money out of any one's Goods and Chattels, Lands and Tenements, or to do any ſpecial Matter or Thing whatever. The Date of the Judgment ſhall be indorſed on every Writ of Execution, and that Indorſement ſigned by the Judge.

Perſonals to be firſt diſpoſed of, and if inſufficient Real Eſtate to be ſold.

Art. 31. In all Caſes where Execution ſhall iſſue againſt Real and Perſonal Eſtates, the Sheriff ſhall firſt diſpoſe of the Perſonal Property, and if the Proceeds thereof fall ſhort of the Amount of the Judgment, the Real Eſtate,

Eſtate, or ſo much thereof as will produce the Amount, ſhall be ſold for that Purpoſe.

Art. 32. Where Moveables ſhall be ſeized by the Sheriff under an Execution, he ſhall cauſe the ſeizure to be publiſhed at the Church Door of the Pariſh, immediately after Divine Service, on the Firſt Sunday ſucceeding ſuch Seizure, and at the ſame Time cauſe to be proclaimed the Day and Place when and where he means to proceed to the Sale thereof, provided that the Place of Sale ſhall be in the ſame Pariſh in which the Seizure is made; and provided always that the Sheriff ſhall not ſell Chattels ſo to be ſeized and notified, until Eight Days after Notification of Sale as aboveſaid. And that at the Requeſt of the Plaintiff the Sheriff may cauſe Goods and Merchandizes, ſo ſeized as aboveſaid, to be tranſported from the Pariſh where ſeized to the City of Montreal or Quebec (being in the Diſtrict where ſeized) and there to be ſold after due Notice as aforeſaid; and that Execution ſo to be iſſued againſt Chattels or Perſonal Eſtate ſhall be made returnable at ſuch Day as the Court from whence it may iſſue ſhall judge reaſonable, and that Execution ſhall iſſue againſt Chattels, or Perſonal and Real Eſtate, in one and the ſame Writ, but that ſuch Execution ſhall be firſt levied upon the Chattels or Perſonal Eſtate, and be returnable as to ſuch firſt Levy, yet nevertheleſs may have Force and Effect, and be returnable at a more diſtant Period as to the Second Levy on Real Eſtate, for the full Satisfaction of the Execution aforeſaid.

Manner of ſelling Perſonals.

Art. 33. When Lands and Tenements ſhall be ſeized by the Sheriff, under a Writ of Execution, he ſhall advertiſe the Sale thereof Three ſeveral Times in the Quebec Gazette, to be on ſome certain Day after the Expiration of Four Months from the Date of the Firſt Advertiſement, and proclaim the ſaid Sale at the Church Door of the Pariſh in which the Premiſſes are ſituated, immediately after Divine Service on the Three Sundays next preceding the Sale, and cauſe a Copy of the ſaid Advertiſement to be fixed on the Door of the Pariſh Church; and that Lands in Roture ſhall be ſold at the Door of the Church of the Pariſh where ſeized. And the Sheriff is hereby further required to advertiſe, immediately after the Seizure, that all and every Perſon having any Claim on ſaid Lands and Tenements, by Mortgage or other Right or Incumbrance, do give Notice thereof at his Office, either before or after the Sale, where the Law makes a Diſtinction, and to remove all Doubts, the Sale then by the Sheriff, without any other Formality, ſhall have the ſame Force and Effect as the Decret had heretofore.

Manner of ſelling Real Property.

Art. 34. If Two or more Writs of Execution ſhall be iſſued upon Judgments given the ſame Day, againſt the ſame Defendant or Defendants, and ſo marked on the Writs, ſuch Executions ſhall have the ſame Privilege, and be ſatisfied in the ſame Proportion: Provided always, that if any Oppoſitions or Claims may be entered at the Sheriff's Office, either before the Sale of Moveables, or before or after the Sale of Immoveables, and where required by Law in the One or the other Caſe above mentioned, or where the Moveables ſeized may be claimed by any other Perſon as to him pertaining, in all ſuch Caſes the Sheriff ſhall return the ſame at the proper Periods into the Court where ſuch Execution iſſued, that the ſaid Court may,

When Two or more Executions iſſue on Judgments given the ſame Day, they are to be ſatisfied in the ſame Proportions, unleſs in caſe of Oppoſitions entered at the Sheriff's Office.

may, on hearing such Claims and Oppositions, and the Parties therein concerned, adjudge them according to Law.

Allowance to the Sheriff.

Art. 35. On every Execution the Sheriff shall be allowed all his Disbursements, and shall be authorized to charge over and above at the Rate Two and a Half per Cent. to be deducted out of the Money he levies.

Proceedings in Actions under £. 10 Sterling.

Art. 36. In Matters not exceeding or under Ten Pounds Sterling, any Person having a Right of Action against another shall prepare, or procure from the Clerk of the Court of Common Pleas, a Declaration in the following Form; viz.

Declaration.

"Quebec, / Montreal. } Day of 17 {A. B. Plaintiff. / C. D. Defendant.

"The Plaintiff demands of the Defendant the Sum of
"due to the Plaintiff from the Defendant, for
"which said Sum, though often demanded
" still remains due; therefore the Plaintiff prays
"Judgment."

This Declaration shall be filed by the Clerk, who shall make a Copy thereof, and at the Foot of such Copy write out a Summons in the Language of the Defendant in the following Form; viz.

Summons.

"Quebec, / Montreal. } "GEORGE the Third, by the Grace of God of Great
"Britain, France, and Ireland, King, Defender of the Faith,
"to C. D. Defendant in the above Action.—You are hereby
"commanded and required to pay the Plaintiff A. B. the
"above-mentioned Sum of together with
" Costs, or else to appear in Person, or by your
"Agent, before Our Judges of Our Court of Common Pleas,
"at the Court House of the City of Quebec, / Montreal, on the
"Day of when the Matter of Complaint
"against you, as ascertained in the above Declaration, will be
"heard and finally determined, otherwise Judgment will be
"given against you by Default. Witness the Honourable
" One of the Judges of Our said Court of Com-
"mon Pleas, this Day of in the Year
" and Year of Our Reign."

Services.

This Summons shall be signed by One of the Judges of the Court, and a Copy thereof, and of the Declaration, served on the Defendant Personally, or left at his Dwelling House or ordinary Place of Residence, with some grown Person there; and the Person serving the same shall inform the Defendant, or such grown Person, of the Contents thereof. If at the Time mentioned in the Summons the Defendant does not appear (Proof of the Service thereof being produced in Court) the Judges, or any One of them, shall hear the Cause on the Part of the Plaintiff, and make such Order, Decree, or Judgment, and award such reasonable Costs of Suit, as to him or them shall appear agreeable to Equity and good Conscience.

Non-appearance.

Appearance.

But if the Defendant does appear by himself or his Agent, and the Plaintiff or his Agent does not appear, or appearing does not prosecute, or prosecuting

cuting fails in his Action, the Judge or Judges ſhall diſmiſs the Defendant with Coſts. If the Plaintiff makes good his Charge againſt the Defendant, the Judge or Judges ſhall give Judgment accordingly, and award Coſts and Execution, but the Execution ſhall not iſſue until Eight Days after Judgment given. The Execution ſhall go againſt the Moveables only of the Defendant, which ſhall be ſeized by ſome Perſon to be for that Purpoſe appointed by the Court, and ſold by him in the Manner mentioned in the 32d Article of this Ordinance. But the Execution ſhall contain an Exception of the Party's Beaſts of the Plough, Implements of Huſbandry, Tools of his Trade, and One Bed and Bedding, unleſs his other Goods and Chattels ſhall prove inſufficient, in which Caſe ſuch Beaſts of the Plough, Implements of Huſbandry, and Tools of his Trade, ſhall be ſold, but not the Bed and Bedding. The Judge or Judges may, if they think proper, order the Debt to be levied by Inſtallments, provided the Time allowed ſhall not exceed the Space of Three Months from the Day of iſſuing the Execution.

Judgment.

Execution.

Exception.

Debt to be levied by Inſtallments.

Art. 37. In Matters as well above as of or under the Value of Ten Pounds Sterling, if the Defendant ſhall convey away or ſecrete his Effects, or ſhall with Violence, or by ſhutting up his Houſe, Store, or Shop, oppoſe his Effects being ſeized, in all ſuch Caſes, on due Proof thereof, an Execution ſhall go againſt his Perſon, to be taken and detained in Priſon until he ſatisfies the Judgment, any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

If Defendant ſecretes his Effects, or oppoſes the Seizure of them, Execution againſt the Body.

Art. 38. For the Satisfaction of all Judgments given in Commercial Matters between Merchants or Traders, as well as of all Debts due to Merchants or Traders for Goods, Wares, and Merchandizes by them ſold, Execution ſhall iſſue not only againſt the Goods, Chattels, Lands, and Tenements of the Defendant but alſo, in caſe they ſhall not produce the Amount of the Plaintiff's Demand, againſt his Perſon, to be taken and conveyed into the Priſon of the Diſtrict, and there detained until he pays the Amount of the Judgment, or otherwiſe ſettles with and ſatisfies the Plaintiff, any Law, Uſage, or Cuſtom to the contrary notwithſtanding: Provided, that if the Defendant, after remaining One Month in Priſon, ſhall make Application to the Court, and make an Affidavit that he is not worth Ten Pounds, the Plaintiff ſhall pay to the Defendant the Sum of Three Shillings and Six Pence Weekly for his Maintenance, as long as he ſhall be detained in Priſon at the Suit of the Plaintiff; and in Time of Scarcity the ſaid Court of Common Pleas may in its Diſcretion augment the ſaid Allowance, not exceeding the further Sum of One Shilling and Six Pence per Week; ſuch Payment ſhall be made in Advance on Monday in every Week; in failure of which the Court from whence the Execution iſſued ſhall order the Defendant to be releaſed; but the Plaintiff ſhall not be obliged to make ſuch Payment, if he can prove, to the Satisfaction of the Court, by which the Defendant ſtands committed, that the Defendant has ſecreted or conveyed away his Effects to defraud his Creditors.

In Commercial Matters, Execution againſt the Body.

Art. 39. When any Perſon, againſt whom Judgment ſhall be given in any of the Courts of Common Pleas, ſhall not have ſufficient Goods, Chattels, Lands, or Tenements, to ſatisfy ſuch Judgment, within the Juriſdiction of the Court wherein ſuch Judgment ſhall have been obtained, but

Power of awarding Execution out of One Diſtrict into the other.

ſhall have Goods, Chattels, Lands, or Tenements, within the Juriſdiction of the other Court of Common Pleas, it ſhall be lawful for the Judge or Judges of the Court wherein Judgment ſhall have been obtained to award Execution to the Sheriff of the other Diſtrict, who after getting the Writ indorſed by One of the Judges of the Court for the Diſtrict in which the Goods, Chattels, Lands, or Tenements are ſituated, ſhall execute the ſame, and make Return thereof to the Court from which it iſſued; and ſuch Writ and Return ſhall be by him ſent to the Sheriff of the Diſtrict from whence the Writ was originally awarded, to be delivered into the Court that iſſued the ſame. The Sheriff executing ſuch Writ ſhall be anſwerable for his Doings relative thereto before the Court from which it was originally awarded, and the Judges of the Court of Common Pleas for the One Diſtrict may in like Manner award Execution againſt the Body of a Perſon reſiding in the other in Caſes where ſuch Execution is by the Law allowed; and the Sheriff executing the Writ to him in ſuch Caſe directed ſhall convey the Body of ſuch Perſon into the Priſon of the Diſtrict wherein ſuch Perſon ſhall be arreſted.

Art. 40. That the Ordinance ſhall continue and be in force from and during Two Years, from the Firſt Day of May next, and unto the End of the Seſſions of the Legiſlative Council which will be in the Year of Our Lord 1787.

(Signed) HENRY HAMILTON.

Ordained and Enacted by the Authority aforeſaid, and paſſed in Council under the Public Seal of the Province, at the Council Chamber in the Caſtle of St. Lewis, in the City of Quebec, the 21ſt Day of April, in the 25th Year of the Reign of Our Sovereign Lord George the Third, &c. &c. &c. and in the Year of Our Lord 1785.

By the Lieutenant Governor's Command.

N° 43.

(COPY.)

Anno Vicesimo Septimo Georgii Tertii, Regis.

CHAP. IV.

An ORDINANCE to continue in Force for a limited Time an Ordinance made in the 25th Year of His Majesty's Reign, intituled, "An Ordinance to regulate the Proceedings in the "Courts of Civil Judicature, and to establish Trials by Juries "in Actions of a Commercial Nature, and Personal Wrongs, "to be compensated in Damages;" with such additional Regulations as are expedient and necessary.

BE it Enacted and Ordained by his Excellency the Governor, and the Legislative Council, and by the Authority of the same it is hereby Enacted and Ordained, That an Ordinance made and passed the Twenty-fifth of April, in the Twenty-fifth Year of His Majesty's Reign, intituled, "An Ordinance to regulate the Proceedings in the Courts of Civil Judi-"cature, and to establish Trials by Juries in Actions of a Commercial "Nature, and Personal Wrongs, to be compensated in Damages," and every Clause and Article therein contained, be continued, and the same is hereby continued from the Expiration thereof to the End of the Sessions of the Legislative Council which will be held in the Year of our Lord 1789.

The former Ordinance to be continued for Two Years.

And whereas additional Regulations are at this Time found to be expedient and useful; Be it further Enacted by the same Authority, That in every Instance where the Fact is not verified by a Verdict of the Jury, but by other Proof, or the Testimony of Witnesses, the same shall be inserted in the Record of the Cause, that in case of Appeal the whole Proceedings may go up to be adjudged in the superior Tribunal, as regularly and as fully as the same was before the Court of Common Pleas.

In Cases where there is no Jury, the Fact to be inserted in the Record.

And wherever the Opinion or Judgment of the said Court of Common Pleas is pronounced upon any Law, Usage, or Custom of the Province, the same shall in like Manner be stated upon the Minutes or Record of the Court, and referred to, and ascertained, that the real Ground of the Opinion or Judgment may also appear to the Court of Appeals; and upon all Opinions conceived by any Party to be to his Injury, he shall be allowed his Exception, to be preserved in the Minutes; all which Proceedings shall be transmitted under the Signatures of the Judges, or any Two of them, and the Seal of the Court, that all His Majesty's Subjects, and especially His Canadian Subjects, by these Means may be protected in the Enjoyment of all the Benefits secured to them for their Property and Civil Rights

If the Judgment be upon any Law, Custom, or Usage of the Province, the same to be stated upon the Record of the Common Pleas.

Exception to be allowed.

If the Judgment be upon any Law, Usage, or Custom, of the Province, the same to be stated upon the Record

of the Common Pleas. Exception to be allowed.

Rights by the Statute paſſed in the 14th Year of His Majeſty's Reign, intituled, "An Act for making more effectual Proviſion for the Govern-"ment of the Province of Quebec, in North America," and by the Ordinances above-mentioned.

The ſame in the Court of Appeals.

And be it further Enacted by the Authority aforeſaid, That in all Caſes adjudged in the Provincial Court of Appeals, where the ſame may be appealed to His Majeſty in His Privy Council, and where their Opinion or Judgment is pronounced on any Law, Cuſtom, or Uſage of the Province, the ſame ſhall in like Manner, and for the ſame Reaſon as hereinbefore mentioned, be ſtated upon the Record, or referred to and aſcertained.

And, in all Cauſes of which the Common Pleas have Cognizance above Ten Pounds Sterling, the ſame ſhall be proceeded in, heard, and determined only in regular Terms, conſiſting of the Firſt Fifteen Days (Sundays and Holidays excepted) in the Months of January and July, and the laſt Fifteen Days of March and September, Yearly, the Firſt Return Days whereof ſhall always be the Firſt Day of the Term, and the reſt of the Return Days, and the General Rules of Practice, ſuch as the reſpective Judges of the Common Pleas ſhall fix in a Formulary.

Four Terms in the Year eſtabliſhed.

Appellate Juriſdiction of Court of Appeals,

touching Security.

And, to take away all Doubts and Scruples with reſpect to the Right of Appeal in any Cauſe before the ſaid Courts of Common Pleas, Be it Enacted and Declared by the ſame Authority, That the Court of Appeals ſhall be deemed and adjudged to have an appellate Juriſdiction, with all the Power neceſſarily annexed to ſuch Juriſdiction; and that it ſhall henceforth belong to the Provincial Court of Appeals to determine the Queſtion when Security ſhall be requiſite, and the Sufficiency thereof, and the Admiſſion, Diſmiſſion, or Remiſſion of Appeals, and the Supply of the Defects of the Record, and of the Effect of the Appeal as a Superſedeas of all or any Proceedings in the Lower Courts for the Stay of Execution on the Judgment of the ſame, or any Proceſs of the Nature of Execution, with Authority alſo to make Rules and Orders, to regulate, effectuate, and accelerate the Proceedings in all Cauſes of Appeal, for the Advancement of Juſtice, and to prevent unneceſſary Delays and Expence in the ſame.

Where Executors, &c. appeal, the Plaintiffs to give Security to refund before Execution iſſues.

And, where Appeals are brought by Executors, Adminiſtrators, Curators, Tutors, or Guardians, the Plaintiff ſhall not have Execution, nor any Proceſs in the Nature of Execution, without ſuch Security firſt given as the Court of Common Pleas in their Diſcretion ſhall direct, to refund the Damages and Coſts, in caſe the Judgment ſhall be reverſed, together with ſuch Coſts as the Court of Appeals may award.

Reſpecting Diſpenſation of Juſtice in ſmall Cauſes.

And, for the more convenient Diſpenſation of Juſtice in ſmall Cauſes, It is Enacted and Ordained by the ſame Authority, that it ſhall and may be lawful for his Excellency the Governor, or the Commander in Chief of the Province for the Time being, by and with the Advice and Conſent of His Majeſty's Council, to appoint by Commiſſion ſuch and ſo many Perſons as he ſhall judge fit, and for ſuch Parts of the Province as he ſhall think proper, to hear ſummarily, and to determine finally, without Appeals, all Matters of Debt of Ten Pounds or under; and it ſhall likewiſe be lawful for his Excellency the Governor, or the Commander in Chief for the Time being,

being, by and with the Advice and Conſent of His Majeſty's Council, to regulate the Fees to be taken by the Perſons ſo commiſſioned, and by their ſubordinate Officers, and to direct a Mode of proceeding for them, whereof, and the Extent of their Juriſdiction reſpectively, a Notification ſhall be publiſhed in the Quebec Gazette, for the Information of all Perſons whom it may concern.

New Diſtricts may be formed by Patent for the remote Parts of the Province.

Whereas there are many Thouſands of Loyaliſts and others, ſettled in the Upper Countries above Montreal, and in the Bays of Gaſpy and Chaleur, below Quebec, whoſe Eaſe and Convenience may require that additional Diſtricts ſhould be erected as ſoon as Circumſtances will permit; It is Enacted and Ordained by the Authority aforeſaid, That it may be lawful for the Governor or Commander in Chief for the Time being, with the Advice and Conſent of the Council, to form, by Patent under the Seal of the Province, One or more new Diſtricts, as his Diſcretion ſhall direct, and to give Commiſſion to ſuch Officer or Officers therein as may be neceſſary or conducive to the Eaſe and Convenience of His Majeſty's Subjects reſiding in the remote Parts of the Province.

Attachments in certain Caſes only.

And be it further Enacted by the Authority aforeſaid, That no Proceſs of Attachment, except in the Caſe of the Dernier Equippeur, according to the Uſage of the Country, ſhall hereafter be iſſued for attaching the Eſtate, Debts, and Effects, of what Nature ſoever, of any Perſon or Perſons whomſoever, whether in the Hands of the Owner, the Debtor, or a Third Perſon, prior to Trial and Judgment, except there be due Proof on Oath (to be indorſed on the Writ of Attachment) to the Satisfaction of One of the Judges of the Court iſſuing the ſame, that the Defendant, or Proprietor of the ſaid Debts and Effects, is indebted to the Plaintiff in a Sum exceeding Ten Pounds, and is about to ſecrete the ſame, or doth abſcond, or doth ſuddenly intend to depart from the Province, with an Intent to defraud his Creditor or Creditors, and that the Defendant is then indebted to the Plaintiff, and he doth verily believe that he ſhall loſe his Debt, or ſuſtain Damage, without the Benefit of ſuch Attachment.

Proviſo.

Provided always, That nothing herein contained ſhall be conſtrued to the Prejudice of the Rights of Landlords, in their legal Courſe, for the Recovery of Rents, according to any former Mode of proceeding by any Law, Uſage, or Cuſtom whatſoever; and provided alſo, that whenever the Defendant or Debtor ſhall either pay the Debt and Coſts, or give Security to the Sheriff or Officers for the Goods ſo attached, as in Caſes of Bail on Perſonal Arreſts, ſubject to Juſtification in Court to anſwer the Value of the Goods, and abide the Judgment of the Court, the ſame ſhall be forthwith reſtored; and for that Purpoſe the Defendant or Debtor ſhall be allowed Forty-eight Hours, after which Period, if the Debt and Coſts be not paid, nor Security given, the Goods ſo ſeized ſhall remain attached, and held by the Sheriff or Officer to anſwer the Judgment of Law.

Theſe additional Regulations to be in Force for Two Years.

Be it further Enacted by the Authority aforeſaid, That the additional Regulations hereby enacted ſhall be in force until the End of the Seſſions that ſhall be held in the Year of Our Lord 1789, or as long as the Ordinance hereby renewed; and that the Ordinance paſſed in the Twenty-fifth Year of the Reign of His preſent Majeſty, intituled, "An Ordinance for

" granting a limited Civil Power and Juriſdiction to His Majeſty's Juſtices " of the Peace in the remote Parts of this Province," be no longer in force than until ſuch ſmall Juriſdictions as by this Act are authorized, ſhall be actually erected.

Enacted and Ordained by the Authority aforeſaid, and paſſed in Council under the Public Seal of the Province, at the Council Chamber in the Caſtle of St. Lewis, in the City of Quebec, the 30th of April, in the 27th Year of the Reign of Our Sovereign Lord George the Third, &c. &c. &c. and in the Year of Our Lord 1787.

By his Excellency's Command,
(Signed) J. W. MEARNS, C. L. C.

N° 44.

(COPY.)

Anno Viceſimo Septimo Georgii Tertii Regis.

CHAP. VI.

An ORDINANCE to explain and amend an Ordinance for eſtabliſhing Courts of Criminal Juriſdiction in the Province of Quebec.

WHEREAS it is expedient that public Officers ſhould be eſtabliſhed in the ſeveral Pariſhes of this Province, under the Denomination of Peace Officers; It is Enacted and Ordained, by his Excellency the Gover- and the Legiſlative Council, That all and every the Captains, and other Officers of Militia in the ſaid ſeveral Pariſhes of this Province, duly commiſſioned by his Excellency the Governor, or the Commander in Chief for the Time being, and likewiſe the Serjeants named and appointed by the ſaid Captains, and other Officers in the reſpective Pariſhes, be, and they are hereby declared to be Public and Peace Officers within their reſpective Pariſhes, and authorized and enjoined to do and exerciſe all and ſingular the Duties and Services of Public and Peace Officers within their reſpective Pariſhes according to Law.

Peace Officers appointed in the Country Pariſhes.

The ſame, to be appointed for the Towns.

And be it further Enacted by the ſame Authority, That it ſhall be lawful for the Commiſſioners, or Juſtices of the Peace, aſſembled in Quarter Seſſions, or by a Majority of the ſame, and they are hereby required, as ſoon as conveniently may be, to name and appoint ſuch and ſo many Perſons as they may think ſufficient, within the Towns and Banlieues of Quebec and Montreal, for carrying into Execution the Orders and Decrees of the ſeveral Courts, and to preſerve the Public Peace therein, every of which Perſons ſo appointed ſhall faithfully perform the Duties of the Offices for which he may be ſo appointed for the Space of One Year; previous to the Expiration whereof it ſhall be the Duty of the ſaid Commiſſioners

missioners or Justices of the Peace Annually to appoint others to serve in their Stead, and to increase or diminish the Number first appointed, as to them shall appear to be most for the Public Weal and Safety; and that no such Appointment shall be valid in Quebec or Montreal, and their Banlieues respectively, in the Case of a Civil or Military Officer, or any Person in Priest's Orders, or in the Profession or Practice of Physic or Surgery, or any Miller, Ferryman, Schoolmaster, or Student of any College or Seminary, or any Person not of full Age; and for neglecting or refusing to perform the said Office or Offices there shall be the Forfeiture of Twenty Pounds, to be recovered in any Court of Record, with Costs of Suit, by Bill, Plaint, or Information, in which no Essoign, Wager of Law, or any more than One Imparlance, shall be allowed.

(Signed) DORCHESTER.

Enacted and Ordained, by the Authority aforesaid, and passed in Council under the Public Seal of the Province, at the Council Chamber in the Castle of St. Louis, in the City of Quebec, the 30th Day of April, in the Twenty-seventh Year of the Reign of Our Sovereign Lord George the Third, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, and in the Year of Our Lord 1787.

By his Excellency's Command,
(Signed) J. WILLIAMS, C. L. C.

N° 45.

The Quebec Gazette, Thursday, May 7th, 1789.

Anno Vicesimo-nono Georgii Tertii Regis.

Chap. III.

An ACT to continue the Ordinances, regulating the Practice of the Law, and to provide more effectually for the Dispensation of Justice, and especially in the New Districts.

Passed 30th April 1789. J. Williams, C. L. C.

1st. BE it Enacted by his Excellency the Governor and the Legislative Council, and it is hereby Enacted by the Authority of the same, That the Act intituled, "An Ordinance to regulate the Proceedings in the Courts of "Civil Judicature, and to establish Trials by Juries in Actions of a Com- "mercial Nature, and Personal Wrongs, to be compensated in Damages," passed in the Twenty-fifth Year of His Majesty's Reign, together with the Act continuing the same, with additional Regulations, passed in the Twenty-

Continuation of the Two former Ordinances.

Twenty-ſeventh Year of His Majeſty's Reign, be continued until the Thirtieth Day of April, which will be in the Year of Our Lord One thouſand Seven hundred and Ninety-one, and no longer.

Qualification of Jurors in in the Five New Diſtricts.

2d. And the better to adapt the general Proviſion to the preſent Condition of the Province, lately divided into the Five New Diſtricts of Gaſpé, Luneburg, Mecklenburg, Naſſau, and Heſſe, Be it further Enacted by the ſame Authority, That it ſhall be no Exception or Challenge to a Juror, on any Inqueſt or Trial in either of the ſaid New Diſtricts, that he is not a Freeholder, if ſuch Juror, being otherwiſe qualified, ſhall have been for One Year the actual Occupant of One hundred Acres of Land, under the Permiſſion or Authority of the Government, within the Diſtrict for which he is ſummoned, and ſhall have had a Certificate thereof, ſigned by the Governor or Commander in Chief for the Time being, or under the Signature of the Surveyor General, or Deputy Surveyor General, or any Deputy of them, or either of them.

Powers of the Firſt Judge for the Diſtrict of Heſſe.

3d. And be it alſo Enacted by the ſame Authority, that until the Bench of the Court of Common Pleas for the Diſtrict of Heſſe ſhall have Three Judges duly appointed to officiate thereon, all the Powers and Authorities of the whole Number ſhall be veſted in ſuch Perſon as ſhall have a Commiſſion to be the Firſt Judge thereof; any other Law, Act, or Ordinance to the contrary notwithſtanding.

On Criminal Proſecutions in the New Diſtricts, Execution to be ſuſpended when, &c.

4th. And on Account of the Remoteneſs of the ſaid New Diſtricts, and for the Security of the Subject, and to prevent long Impriſonments, and to leſſen the public Charges in Criminal Proſecutions, Be it further Enacted by the ſame Authority, that on all Trials to be had in either of the New Diſtricts before Commiſſioners of Oyer and Terminer or General Gaol Delivery, when the Chief Juſtice of the Province may happen not to be one, the Execution of the Sentence or Judgment of the Court ſhall be ſuſpended until the Pleaſure of the Governor or Commander in Chief for the Time being ſhall be ſignified thereon, by Warrant under his Hand and Seal at Arms.

Copies of the Proceedings to be tranſmitted to the Governor.

5th. And to the End that the Government may have full Information of the Proceedings of the ſaid Courts of Criminal Juriſdiction, Be it alſo Enacted by the ſame Authority, That it ſhall be the Duty of the ſaid Courts, with all convenient Speed, to tranſmit to the Governor for the Time being, not only Copies of the Indictment, Information, or Charge, and of the Plea, and other Proceedings, in every Cauſe before them had, but of the written and parol Teſtimony read and given to the Jury, and the Scope and Subſtance of the Points ruled in Evidence, and of their Charge to the Jury, and Copy of the Verdict, and of every material Tranſaction in the Cauſe, together with ſuch Obſervations as they may think proper to make on every ſuch Cauſe and Trial, and the Whole under the Signatures of the Majority of the Judges before whom every ſuch Trial was had.

Proviſo.

Provided always, and be it nevertheleſs Enacted by the ſame Authority, That it ſhall not be neceſſary to make ſuch Report of the Proceedings, nor to ſtay the Execution of the Sentence or Judgment in any Caſe where it ſhall not extend to Life or Limb, nor to any greater Fine, Penalty, or Forfeiture,

Forfeiture, than the Sum of Twenty-five Pounds Sterling, Money of Great Britain.

Cases where Execution shall be stayed, upon Fines, &c. adjudged.

And wherever ſo great a Sum ſhall be adjudged for a Fine, Forfeiture, or Penalty in any Court of Seſſions of the Peace, to be held in either of the ſaid New Diſtricts, Execution ſhall in like Manner be ſtayed, until ſuch Information is given to the Government, by the major Part of the Juſtices before whom the Trial was had, or Judgment given, as is above directed to be given by the Courts of Oyer and Terminer, and General Gaol Delivery, except that it ſhall not be neceſſary in ſuch Courts of Seſſions to reduce to Writing all the Teſtimony that may be given to the Jury on Trials before them had, but that inſtead thereof it ſhall ſuffice to report only the main Scope and Subſtance thereof, and that the Execution in every Caſe to the Amount aforeſaid, given by either of the Courts of Seſſions of the Peace of the ſaid New Diſtricts, ſhall alſo await the Signification of the Pleaſure of the Governor or Commander in Chief in the Manner aforementioned.

Exception.

Perſons convicted of a Capital Offence in the New Diſtricts may be conveyed to any of His Majeſty's Priſons.

6th. And be it alſo Enacted by the ſame Authority, That until the New Diſtricts aforeſaid ſhall be furniſhed with ſafe Gaols and Priſons, and as often as the Majority of the Commiſſioners of ſuch Courts of Oyer and Terminer, and General Gaol Delivery, ſitting therein, ſhall conceive it to be unſafe to continue within their Diſtrict any Priſoner convicted before them of a Capital Offence, they may take Courſe for conveying him to ſuch other of His Majeſty's Priſons as they may deſignate, for his being ſafely kept to abide the Judgment of the Law; and the Sheriff and Gaoler, Bailiffs, and Officers, to whom any ſuch Traitor or Felon ſhall have been delivered, ſhall be reſpectively anſwerable for the Priſoner, and upon his Eſcape ſhall ſeverally be ſubject to all ſuch Puniſhments, Pains, Penalties, and Forfeitures, as they would reſpectively have incurred, had ſuch Priſoner received ſuch Judgment upon a Conviction for the like Offence committed within the Bailiwick for which they ſerve.

7th. And whereas the Detention of Priſoners until the Sitting of the Court of King's Bench, or the Sitting of Commiſſioners of Oyer and Terminer, and General Gaol Delivery, hath been very burthenſome to the Public, and is likely to be encreaſed by the Inſufficiency of the Gaols in the Old Diſtricts, and the total Want of them in the New Diſtricts; and it often happens that Perſons committed for ſimple Larcenies are either acquitted, or only found guilty of Petty Larceny:

Petty Larceny extended to Twenty Shillings Sterling.

Be it therefore Enacted by the ſame Authority, That Simple Larceny, where the Goods ſtolen ſhall not in Value exceed Twenty Shillings Sterling Money of Great Britain, ſhall be deemed and adjudged only Petty Larceny; and whenever any Perſon ſhall ſtand committed to Gaol for no higher Offence than a Breach of the Peace, or Petty Larceny, and ſhall not, within Forty-eight Hours after his Commitment find Bail ſufficient, in the Opinion of any One Juſtice of the Peace, for his Appearance at the next Seſſions of the Peace for the Diſtrict where the Offence is charged to be committed, it ſhall be lawful for any Three Juſtices of the Peace (One of whom ſhall be of the Quorum) to meet and cauſe the Offender to be convened before them, at ſome Public and convenient Place, and then and there,

Three Juſtices of the Peace (One being of the Quorum)

empowered to hear and determine Breaches of the Peace and Petty Larceny.

there, or at ſuch other Time and Place to which they may adjourn, to hear the Charge and Defence, with the Evidence for and againſt the Priſoner, and to determine the ſame, and upon their Conviction of the Guilt of the Priſoner to give Judgment againſt him for ſuch Corporal Puniſhment (not extending to Life or Limb) as they, or the major Part of them, ſhall in their Diſcretion think adequate to the Demerit of his Offence, and that after the Execution thereof the Offender ſhall be diſcharged; but if he ſhall not have been a ſtated Reſident of the Province for Twelve Months preceding his Commitment, and ſhall in Twenty Days after his Diſcharge be found within the ſame Diſtrict, and ſhall wilfully have remained within the ſame, it ſhall be lawful for any One Juſtice to commit him to Priſon, and for Three Juſtices to proceed againſt him in Manner aforeſaid, and to adjudge him to ſuch further Correction (not extending to Life or Limb) as they in their Diſcretion ſhall think proper, unleſs he ſhall find good and ſufficient Sureties, in the Opinion of the Juſtices by whom he ſhall be tried, to recognize in ſuch Sum as they ſhall appoint, for his good Behaviour for Seven Years, on giving which he ſhall be ſet at Liberty, and the Recognizance be filed with the Clerk of the Peace.

Gaolers and Peace Officers to aid and aſſiſt.

And all Gaolers, Conſtables, and Peace Officers, when thereunto required, ſhall be aiding and aſſiſting to the Juſtices employed in the ſaid Service, under the Penalty of Ten Shillings for every Default, to be recovered before any One Juſtice of the Peace in a ſummary Way, by Warrant of Diſtreſs and Sale of the Offender's Goods and Chattels, returning the Overplus to the Owner, if any there be, after deducting the Penalty, and the Coſts, One Half of which Penalty ſhall belong to the Perſon ſuing for the ſame, and the other to the Crown, and be forthwith paid by the Officer executing the ſaid Warrant into the Hands of His Majeſty's Receiver General.

8th. And inaſmuch as the Annual Collection of the Trade will require Yearly Circuit Courts to be held in the Northern Parts of the Diſtrict of Heſſe:

Terms, &c. for the Diſtrict of Heſſe, how to be aſcertained.

Be it alſo Enacted by the ſame Authority, That it ſhall be lawful for the Governor or Commander in Chief for the Time being, by Proclamation to be iſſued under the Great Seal of this Province, by and with the Advice of His Majeſty's Council, to aſcertain the Terms of ſuch Seſſions, and the Cognizance of the Cauſes there to be tried and adjudged, and the Mode of proceeding therein, and whatever ſhall appear to be requiſite for the effectual Adminiſtration of Civil Juſtice at ſuch Circuit Courts, or the perfecting the Buſineſs thereof in any other Court of the ſaid or any other Diſtrict; this Act, and any other Law, Uſage, or Cuſtom to the contrary thereof notwithſtanding.

Juriſdiction of the Civil Courts in the Diſtrict of Heſſe, relating to Domicile.

9th. And be it further Enacted by the ſame Authority, That in Civil Actions to be inſtituted in the Diſtrict of Heſſe, it ſhall not be a Ground of Exception of any Kind whatſoever to ouſt the Courts of the ſaid Diſtrict of Juriſdiction, that the Cauſe of Action aroſe out of the ſame, or that by Reaſon of the Domicile of the Defendant it ought to be brought elſewhere, but that all the Proceedings in Cauſes there inſtituted, and the Judgment and Execution thereon, ſhall be deemed and adjudged to have the like Force,

Force, Effect, and Conſequences, in all Reſpects whatſoever, as if the Cauſe of Action and Ground of Defence had ariſen, and all Tranſactions relating to the ſame had happened within the ſaid Diſtrict of Heſſe.

10th. And foraſmuch as, for Want of a regular Magiſtracy, and an Eſtabliſhment for the convenient Diſpenſation of Juſtice in the Diſtrict of Heſſe, Attempts may be made to elude the Payment of juſt Debts, under Pretext of the Laws of Preſcription or Limitation, which preſuppoſe a State of general Tranquillity, and the eaſy and free Courſe of Juſtice:

Particular Limitation of Actions in the Diſtrict of Heſſe.

Be it alſo Enacted by the ſame Authority, That every ſuch Plea or Defence under the Laws of Preſcription or Limitation be adjudged to be null and void in every Cauſe to be inſtituted in the Courts of the ſaid Diſtrict of Heſſe, except in Actions and Caſes accruing poſterior to the Firſt Day of January which will be in the Year of Our Lord One thouſand Seven hundred and Ninety:

Proviſo.

Provided always, and be it Enacted, That nothing herein contained ſhal be conſtrued to revive a Demand for Cauſe of Action ariſen prior to the Firſt Day of January, in the Year of our Lord One thouſand Seven hundred and Eighty-ſix.

11th. And whereas the Weſtern Diſtricts of Luneburg, Mecklenburg, Naſſau, and Heſſe are, and alſo the Diſtrict of Gaſpé probably will be, chiefly inhabited by Perſons born within the ancient Dominions of the Crown of Great Britain:

Proofs admiſſible in the Five New Diſtricts.

Be it further Enacted by the ſame Authority, That in Civil Cauſes, hereafter to be tried or adjudged and determined in either of the ſaid New Diſtricts, where the Title to the Freehold ſhall not come into Queſtion, no Proof offered in ſuch Cauſe ſhall be deemed to be inadmiſſible, that would be ſufficient to ſuſtain the Point for which the ſame is offered, either by the ancient or preſent Laws of the Province, or by the Laws of England.

12th. Where Moveables ſhall be taken in Execution by the Sheriff of the Diſtrict of Heſſe, Luneburg, Mecklenburg, or Naſſau, or Gaſpé, he ſhall cauſe ſuch Seizure to be publiſhed at the Church Door of the Pariſh immediately after Divine Service, on the Firſt Sunday ſucceeding ſuch Seizure; or if there be no Church in the Townſhip or Pariſh, then ſuch Seizure ſhall be notified by Publication or Advertiſement in Writing affixed to the Door of the Court Houſe of the Diſtrict, and alſo at the neareſt Griſt Mill, as ſoon as may be after ſuch Seizure; and the ſaid Notification ſhall deſign the Day and Place where and when he means to proceed to the Sale thereof, not protracting ſuch Sale beyond Fourteen Days from the Date of ſuch Publication: And when Lands and Tenements ſhall be taken in Execution by the Sheriff of either of the ſaid Diſtricts, he ſhall advertiſe the Sale by Three ſeveral Publications in Writing, to be fixed at the Door of the Court Houſe of the Diſtrict, and in ſome oſtenſible Place in the Office of Clerk of the Court whence the Execution iſſued, and at the neareſt Griſt Mill, ſuch Notice to be renewed the Firſt Monday of Three ſucceſſive Months preceding the Sale, which ſhall not take Place in leſs than Four Months after the Date of the Firſt Publication.

Sale of Moveables in the New Diſtricts.

Sale of Real Eſtates.

In Perſonal Actions, no Exception to be taken by Reaſon of the Domicile of the Defendant.

13th. Be it further Enacted by the ſame Authority, That in all Perſonal Actions to be inſtituted in any of the Diſtricts in this Province it ſhall not be a legal Exception that the Cauſe of Action aroſe out of ſuch Diſtrict, or that by Reaſon of the Domicile of the Defendant it ought to be brought elſewhere; but that all the Proceedings in ſuch Actions, and the Judgments and Executions thereon, ſhall be deemed and adjudged to have the like Force and Effect in every Reſpect as if the Cauſe of Action and Ground of Defence had ariſen, and all Tranſactions relating thereto had happened, in the Diſtrict where the Action is inſtituted, any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Executions to iſſue from One Diſtrict to the other.

14th. And be it Enacted by the ſame Authority, That the Courſe and Power given by the ſaid Act, intituled, "An Ordinance to regulate the "Proceedings in the Courts of Civil Judicature, and to eſtabliſh Trials by "Juries in Actions of a Commercial Nature, and Perſonal Wrongs, to be "compenſated in Damages," for perfecting the Execution of a Judgment out of the Diſtrict where the ſame was rendered, ſhall be purſued in every old or new Diſtrict of the Province,

Appeals from the New Diſtricts.

15th. And that Parties adjudged in the ſaid New Diſtricts may not be deprived of their Right and Benefit of Appeal:

Be it further Enacted by the ſame Authority, That the giving Security as heretofore uſed on the bringing of a Writ of Appeal, ſhall as effectually ſuſpend Execution in Cauſes of the ſaid Diſtricts, as in the Old Diſtricts on the actual Production of a Writ of Appeal, ſuch Appellant in all other Reſpects conforming to the Law of Appeals as it now ſtands, and ſuing out, within Twenty Days after Judgment, an Office Copy of the Proceedings in the Cauſe adjudged; which, to prevent Delays, ſhall be as effectual before the Appellate Juriſdiction as if tranſmitted according to the preſent Law and Uſage in Appeals from the Common Pleas Courts of the Old Diſtricts.

DORCHESTER.

N° 46.

DESCRIPTION of the intended Boundary Line between the Provinces of Upper Canada and Lower Canada.

THE Boundary Line to run due South, from a Stone Boundary fixed on the North Bank of the Lake Saint Francis, in a Cove of the River Saint Lawrence, Weſt of Point au Boudet, in the Limit between the Townſhip of Lancaſter and the Seigniory of New Longueuil, to the Southermoſt Extent of His Majeſty's Dominions, and in a Northerly Direction from the aforeſaid Stone Boundary, along the Weſtern or Inland Bounds of the ſaid Seigniory of New Longueuil, and of the Seigniory of Vaudreuil, according to the various Courſes, until it ſtrikes the Ottawa's River; thence in a direct Line to the neareſt Point in the Centre of the Navigable Channel of the ſaid River; thence, aſcending the Middle of the Navigable Channel of the ſaid River, to the Lake Temiſcaming; thence, through the Middle of the ſaid Lake, to the moſt Northerly Extremity thereof; and thence, running due North, to the Boundary of the Territory granted to the Merchants Adventurers of England trading to Hudſon's Bay.